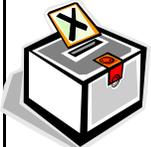


	<p align="center"> <b>Governor's Commission on Disabilities</b>  <b>Legislation Committee</b>  <b>Monday, April 7, 2014 3:00 PM - 4:30 PM</b>          John O. Pastore Center, 41 Cherry Dale Court,          Cranston, RI 02920-3049          (voice) 401-462-0107 (fax) 462-0106 (tty) via RI Relay 711          (e-mail) <a href="mailto:GCD.Disabilities@gcd.ri.gov">GCD.Disabilities@gcd.ri.gov</a> (website) <a href="http://www.disabilities.ri.gov">www.disabilities.ri.gov</a> </p>
	<p> <b>Attendees:</b> Linda Ward (Chair.); Rosemary C. Carmody; Casey Gartland; Elaina Goldstein; Arthur M. Plitt; &amp; Meredith Sheehan  <b>Absentees:</b> Nicole Bucka; Joseph Cirillo; Regina Connor; Heather Daglieri; Julie DeRosa; Linda Deschenes; Timothy Flynn; Kathleen Heren; William R. Inlow; Paula Parker; Jack Ringland (Vice Chair.); Msgr. Gerard O. Sabourin; Angelina Stabile; &amp; Dawn Wardyga         </p>
	<p> <b>Guests:</b> Colleen Polselli  <b>Staff:</b> Bob Cooper         </p>
	<p> <b>3:00 Call to Order and Acceptance of the Minutes, Linda Ward, Chair</b>          Chair calls the meeting to order at 3:07          Introductions of Commissioners and guests         </p>
	<p> <b>MOTION:</b> To accept the minutes of the previous meeting as presented          Motion moved by RC, seconded by AP, passed unanimously         </p>
<b>Action Items:</b>	
	<p><b>3:05 Bills tabled at previous meetings</b></p>
	<p><b>Purpose/Goal:</b> To review recently filed legislation, determine the potential impact on people with disabilities, and adopt legislative impact statements</p>
	<p><b>2014 S 2701 An Act Relating to Insurance -- Insurance Coverage for Mental Illness and Substance Abuse</b></p>
	<p>         Sen. Cool Rumsey in Senate Health and Human Services Committee          This act would specify the nature and extent of the health benefits for addictive and behavioral healthcare and surgical services that health insurers must offer in their health insurance policies relating to a diagnosis of mental health or substance abuse disorders in order to make these benefits equivalent to those benefits offered for general medical benefits.          This act would take effect upon passage.          (Request information from BHDDH)         </p>

1 SECTION 1. Sections 27-38.2-1, 27-38.2-2 and 27-38.2-3 of the General Laws in  
 2 Chapter 27-38.2 entitled "Insurance Coverage for Mental Illness and Substance Abuse" are  
 3 hereby amended to read as follows:  
 4 **27-38.2-1. Mental illness coverage.** -- Every health care insurer that delivers or issues  
 5 for delivery or renews in this state a contract, plan, or policy except contracts providing  
 6 supplemental coverage to Medicare or other governmental programs, <sup>(delete)</sup> ~~shall provide coverage~~  
 for

~~7 the medical treatment of mental illness and substance abuse under the same terms and conditions  
8 as that coverage is provided for other illnesses and diseases. Insurance coverage offered pursuant  
9 to this statute must include the same durational limits, amount limits, deductibles, and co-  
10 insurance factors for mental illness as for other illnesses and diseases.~~ <sup>{delete}</sup> <sup>{add}</sup> shall provide  
11 equivalent  
12 health benefits for addiction and behavioral health care and surgical services, including a primary  
13 care practitioner's diagnosis of mental health or a substance abuse disorder, and the associated  
14 coverage of any medication or therapy for treatment of the disorder in a prescription drug  
15 formulary. Every health care insurer covered by this chapter shall also be prohibited from  
16 imposing separate or more restrictive financial requirements or treatment limitations on mental  
17 health and substance abuse disorder benefits than those they imposed on other general medical  
18 benefits for the individual policy holders, enrollees, subscribers, or members for policies subject  
19 to federal MHPAEA and all provisions of this chapter. <sup>{add}</sup>

Page 2

1 **27-38.2-2. Definitions.** -- For the purposes of this chapter, the following words and terms  
2 have the following meanings:

3 (1) "Health insurers" means all persons, firms, corporations, or other organizations  
4 offering and assuring health services on a prepaid or primarily expense-incurred basis, including  
5 but not limited to policies of accident or sickness insurance, as defined by chapter 18 of this title,  
6 nonprofit hospital or medical service plans, whether organized under chapter 19 or 20 of this title  
7 or under any public law or by special act of the general assembly, health maintenance  
8 organizations, or any other entity which insures or reimburses for diagnostic, therapeutic, or  
9 preventive services to a determined population on the basis of a periodic premium. Provided, this  
10 chapter does not apply to insurance coverage providing benefits for:

- 11 (i) Hospital confinement indemnity;
- 12 (ii) Disability income;
- 13 (iii) Accident only;
- 14 (iv) Long-term care;
- 15 (v) Medicare supplement;
- 16 (vi) Limited benefit health;
- 17 (vii) Specific disease indemnity;
- 18 (viii) Sickness or bodily injury or death by accident or both; and
- 19 (ix) Other limited benefit policies.

20 (2) "Mental illness" means any mental disorder and substance abuse disorder that is  
21 listed in the most recent revised publication or the most updated volume of either the Diagnostic  
22 and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric  
23 Association or the International Classification of Disease Manual (ICO) published by the World  
24 Health Organization and that substantially limits the life activities of the person with the illness;  
25 provided, that tobacco and caffeine are excluded from the definition of "substance" for the  
26 purposes of this chapter. "Mental illness" shall not include: (i) mental retardation, (ii) learning  
27 disorders, (iii) motor skills disorders, (iv) communication disorders, and (v) mental disorders  
28 classified as "V" codes. Nothing shall preclude persons with these conditions from receiving  
29 benefits provided under this chapter for any other diagnoses covered by this chapter.

30 (3) "Mental illness coverage" means inpatient hospitalization, partial hospitalization  
31 provided in a hospital or any other licensed facility, intensive out patient services, outpatient  
32 services and community residential care services for substance abuse treatment. It shall not  
33 include methadone maintenance services or community residential care services for mental  
34 illnesses other than substance abuse disorders.

Page 3

1 (4) "Outpatient services" means office visits that provide for the treatment of mental

2 illness and substance abuse.

3 (5) "Community residential care services" mean those facilities as defined and licensed  
4 in accordance with chapter 24 of title 40.1.

5 <sup>{add}</sup>(6) "MHPAEA" means the Paul Wellstone and Pete Domenici Mental Health Parity and  
6 Addition Equity Act of 2008 section 511 of Pub. L. 110-343 and all subsequent rules and  
7 regulations.<sup>{add}</sup>

8 **27-38.2-3. Medical necessity and appropriateness of treatment.** -- (a) Upon request of  
9 the reimbursing health insurers, all providers of treatment of mental illness shall furnish medical  
10 records or other necessary data which substantiates that initial or continued treatment is at all  
11 times medically necessary and appropriate. When the provider cannot establish the medical  
12 necessity and/or appropriateness of the treatment modality being provided, neither the health  
13 insurer nor the patient shall be obligated to reimburse for that period or type of care that was not  
14 established. The exception to the preceding can only be made if the patient has been informed of  
15 the provisions of this subsection and has agreed in writing to continue to receive treatment at his  
16 or her own expense.

17 (b) The health insurers, when making the determination of medically necessary and  
18 appropriate treatment, must do so in a manner consistent with that used to make the determination  
19 for the treatment of other diseases or injuries covered under the health insurance policy or  
20 agreement <sup>{add}</sup>and shall use medical management standards that are comparable to and applied no  
21 more stringently than the standards used to determine medical necessity for other medical and  
22 surgical services and/or procedures.<sup>{add}</sup>

23 (c) Any subscriber who is aggrieved by a denial of benefits provided under this chapter  
24 may appeal a denial in accordance with the rules and regulations promulgated by the department  
25 of health pursuant to chapter 17.12 of title 23.

26 SECTION 2. This act shall take effect upon passage.

	<p><b>MOTION: To find beneficial if amended to replace the phrase ‘mental retardation’ with “developmental disability” 2014 S 2701 An Act Relating to Insurance -- Insurance Coverage for Mental Illness and Substance Abuse</b> Motion moved by RC, seconded by EG, passed, opposed by AP</p>
	<p><b>2014 H 7920 An Act Relating to Insurance - Health Insurance Policies</b></p>
	<p>This act would require every individual or group hospital or medical expense insurance policy or individual or group hospital or medical services plan contract delivered, issued for delivery, or renewed in this state on or after January 1, 2015 to provide coverage for MC5-A scrambler therapy. "MC5-A scrambler therapy" means a type of treatment for nerve pain that uses electrodes placed on the skin. Electricity is carried from the electrodes through the skin and blocks the pain. The pain may be caused by physical injury, infection, toxic substances, and certain diseases or drugs, including anticancer drugs. This act would take effect upon passage. {Request information from the Health Insurance Commissioner}</p>

1 SECTION 1. Section 27-18-1.1 of the General Laws in Chapter 27-18 entitled "Accident  
2 and Sickness Insurance Policies" is hereby amended to read as follows:

3 **27-18-1.1. Definitions.** -- As used in this chapter:

4 (1) "Adverse benefit determination" means any of the following: a denial, reduction, or  
5 termination of, or a failure to provide or make payment (in whole or in part) for, a benefit,  
6 including any such denial, reduction, termination, or failure to provide or make payment that is  
7 based on a determination of an individual's eligibility to participate in a plan or to receive  
8 coverage under a plan, and including, with respect to group health plans, a denial, reduction, or

9 termination of, or a failure to provide or make payment (in whole or in part) for, a benefit  
10 resulting from the application of any utilization review, as well as a failure to cover an item or  
11 service for which benefits are otherwise provided because it is determined to be experimental or  
12 investigational or not medically necessary or appropriate. The term also includes a rescission of  
13 coverage determination.

14 (2) "Affordable Care Act" means the federal Patient Protection and Affordable Care Act  
15 of 2010, as amended by the federal Health Care and Education Reconciliation Act of 2010, and  
16 federal regulations adopted thereunder.

17 (3) "Commissioner" or "health insurance commissioner" means that individual appointed  
18 pursuant to section 42-14.5-1 of the general laws.

19 (4) "Essential health benefits" shall have the meaning set forth in section 1302(b) of the  
Page 2

1 federal Affordable Care Act,

2 (5) "Grandfathered health plan" means any group health plan or health insurance  
3 coverage subject to 42 USC section 18011.

4 (6) "Group health insurance coverage" means, in connection with a group health plan,  
5 health insurance coverage offered in connection with such plan.

6 (7) "Group health plan" means an employee welfare benefit plan, as defined in 29 USC  
7 section 1002(1), to the extent that the plan provides health benefits to employees or their  
8 dependents directly or through insurance, reimbursement, or otherwise.

9 (8) "Health benefits" or "covered benefits" means coverage or benefits for the diagnosis,  
10 cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting  
11 any structure or function of the body including coverage or benefits for transportation primarily  
12 for and essential thereto, and including medical services as defined in R.I. Gen. Laws section 27-  
13 19-17;

14 (9) "Health care facility" means an institution providing health care services or a health  
15 care setting, including, but not limited to, hospitals and other licensed inpatient centers,  
16 ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers,  
17 diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health  
18 settings.

19 (10) "Health care professional" means a physician or other health care practitioner  
20 licensed, accredited or certified to perform specified health care services consistent with state  
21 law.

22 (11) "Health care provider" or "provider" means a health care professional or a health  
23 care facility.

24 (12) "Health care services" means services for the diagnosis, prevention, treatment, cure  
25 or relief of a health condition, illness, injury or disease.

26 (13) "Health insurance carrier" means a person, firm, corporation or other entity subject  
27 to the jurisdiction of the commissioner under this chapter. Such term does not include a group  
28 health plan.

29 (14) "Health plan" or "health benefit plan" means health insurance coverage and a group  
30 health plan, including coverage provided through an association plan if it covers Rhode Island  
31 residents. Except to the extent specifically provided by the federal Affordable Care Act, the term  
32 "health plan" shall not include a group health plan to the extent state regulation of the health plan  
33 is pre-empted under section 514 of the federal Employee Retirement Income Security Act of  
34 1974. The term also shall not include:

Page 3

1 (A) (i) Coverage only for accident, or disability income insurance, or any combination  
2 thereof.

3 (ii) Coverage issued as a supplement to liability insurance.

- 4 (iii) Liability insurance, including general liability insurance and automobile liability  
5 insurance.
- 6 (iv) Workers' compensation or similar insurance.
- 7 (v) Automobile medical payment insurance.
- 8 (vi) Credit-only insurance.
- 9 (vii) Coverage for on-site medical clinics.
- 10 (viii) Other similar insurance coverage, specified in federal regulations issued pursuant  
11 to Pub. L. No. 104-191, the federal health insurance portability and accountability act of 1996  
12 ("HIPAA"), under which benefits for medical care are secondary or incidental to other insurance  
13 benefits.
- 14 (B) The following benefits if they are provided under a separate policy, certificate or  
15 contract of insurance or are otherwise not an integral part of the plan:
- 16 (i) Limited scope dental or vision benefits.
- 17 (ii) Benefits for long-term care, nursing home care, home health care, community-based  
18 care, or any combination thereof.
- 19 (iii) Other excepted benefits specified in federal regulations issued pursuant to federal  
20 Pub. L. No. 104-191 ("HIPAA").
- 21 (C) The following benefits if the benefits are provided under a separate policy, certificate  
22 or contract of insurance, there is no coordination between the provision of the benefits and any  
23 exclusion of benefits under any group health plan maintained by the same plan sponsor, and the  
24 benefits are paid with respect to an event without regard to whether benefits are provided with  
25 respect to such an event under any group health plan maintained by the same plan sponsor:
- 26 (i) Coverage only for a specified disease or illness.
- 27 (ii) Hospital indemnity or other fixed indemnity insurance.
- 28 (D) The following if offered as a separate policy, certificate or contract of insurance:
- 29 (i) Medicare supplement health insurance as defined under section 1882(g)(1) of the  
30 federal Social Security Act.
- 31 (ii) Coverage supplemental to the coverage provided under chapter 55 of title 10, United  
32 States Code (Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)).
- 33 (iii) Similar supplemental coverage provided to coverage under a group health plan.
- 34 (15) "Office of the health insurance commissioner" means the agency established under

Page 4

- 1 section 42-14.5-1 of the General laws.
- 2 (16) "Rescission" means a cancellation or discontinuance of coverage that has retroactive  
3 effect for reasons unrelated to timely payment of required premiums or contribution to costs of  
4 coverage.

5 <sup>{add}</sup>(17) "MC5-A scrambler therapy" means a type of treatment for nerve pain that uses  
6 electrodes placed on the skin. Electricity is carried from the electrodes through the skin and  
7 blocks the pain. The pain may be caused by physical injury, infection, toxic substances, and  
8 certain diseases or drugs, including anticancer drugs. <sup>{add}</sup>

9 SECTION 2. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
10 Insurance Policies" is hereby amended by adding thereto the following section:

11 <sup>{add}</sup>27-18-82. MC5-A scrambler therapy mandatory coverage. – Every individual or  
12 group hospital or medical expense insurance policy or individual or group hospital or medical  
13 services plan contract delivered, issued for delivery, or renewed in this state on or after January 1,  
14 2015 shall provide coverage for MC5-A scrambler therapy. <sup>{add}</sup>

15 SECTION 3. This act shall take effect upon passage.

	The Committee took no position
	<b>2014 H 2748 An Act Relating to Insurance - Accident and Sickness Insurance Policies</b>
	Sen. Archambault in Senate Health and Human Services Committee. This act would require insurance providers to provide notice of changes relating to coverage to plan purchasers and covered members. This act would take effect upon passage. {Request information from the Health Insurance Commissioner}

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
2 Insurance Policies" is hereby amended by adding thereto the following section:  
3 <sup>{add}</sup> **27-18-82. Plan change notice. – Every entity providing a policy of accident and sickness**  
4 **insurance as defined in this chapter shall notify:**  
5 **(1)(i) All plan purchasers purchasing services for employees under a group or individual**  
6 **policy contract or health benefit plan for coverage of accident and sickness insurance, in writing,**  
7 **of any changes to its rules and regulations, guidelines, policies, or procedures concerning**  
8 **coverage of or payment for services.**  
9 **(ii) Said notice of changes in terms shall be communicated to all plan purchasers**  
10 **purchasing services for employees in writing by the plan showing the changes in redline format**  
11 **and shall be provided to the participating plan purchasers no later than fifteen (15) days before the**  
12 **effective date of said changes.**  
13 **(iii) The notice shall demonstrate how these changes in coverage will impact the cost of**  
14 **the plan, including demonstrable cost savings to the plan purchasers.**  
15 **(2)(i) All covered members under a group or individual policy contract or health benefit**  
16 **plan for coverage of accident and sickness insurance, in writing, of any changes to its rules and**  
17 **regulations, guidelines, policies, or procedures concerning coverage of or payment for services.**  
18 **(ii) Said notice of changes in terms shall be communicated to the covered members in**  
19 **writing by the plan showing the changes in redline format and shall be provided to the covered**  
Page 2  
1 **members no later than fifteen (15) days before the effective date of said changes.** <sup>{add}</sup>

2 SECTION 2. Chapter 27-18.5 of the General Laws entitled "Individual Health Insurance  
3 Coverage" is hereby amended by adding thereto the following section:  
**[Same as the changes in Section 27-18-82 above]**

22 SECTION 3. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service  
23 Corporations" is hereby amended by adding thereto the following section:  
24 **[Same as the changes in Section 27-18-82 above]**

Page 3

7 SECTION 4. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service  
8 Corporations" is hereby amended by adding thereto the following section:  
9 **[Same as the changes in Section 27-18-82 above]**

26 SECTION 5. Chapter 27-41 of the General Laws entitled "Health Maintenance  
27 Organizations" is hereby amended by adding thereto the following section:  
28 **[Same as the changes in Section 27-18-82 above]**

Page 4

11 SECTION 6. This act shall take effect upon passage.

	The Committee took no position
	<b>2014 H 7938 An Act Relating to Probate Practice and Procedure - Financial Exploitation of Elders and Dependent Persons</b>
	This act would create a rebuttable presumption that any donative transfers to certain

individuals by persons age sixty (60) years of age or older and any dependent persons of any age for whom a conservator, guardian or trustee has been appointed by a probate court of this state are a product of fraud or undue influence. Those individuals are persons who are in a fiduciary, legal, familial and/or caregiver relationship with the elder and/or dependent persons and utilize their relationship to effect a donative transfer by any document or commercial instrument.  
This act would take effect on January 1, 2015.  
{Request information from the Division of Elderly Affairs and the Long Term Care Ombudsperson}

1 SECTION 1. Title 33 of the General Laws entitled "PROBATE PRACTICE AND  
2 PROCEDURE" is hereby amended by adding thereto the following chapter:

3 {add} CHAPTER 19.1

4 FINANCIAL EXPLOITATION OF ELDERS AND DEPENDENT PERSONS

5 **33-19.1-1. Short title.** -- This chapter shall be known and may be cited as the "Financial  
6 Exploitation of Elders and Dependent Persons Act."

7 **33-19.1-2. Definitions.** -- As used in this chapter: (1) "Care custodian" means a person  
8 who provides health or social services to a dependent adult, except that "care custodian" does not  
9 include a person who provided services without remuneration if the person had a personal  
10 relationship with the dependent adult: (i) At least ninety (90) days before providing those  
11 services; (ii) At least six (6) months before the dependent adult's death; and (iii) Before the  
12 dependent adult was admitted to hospice care, if the dependent adult was admitted to hospice  
13 care. As used in this section, "remuneration" does not include the donative transfer at issue under  
14 this chapter or the reimbursement of expenses.

15 (2) "Health and social services" means services provided to a dependent adult because of  
16 the person's dependent condition, including, but not limited to, the administration of medicine,  
17 medical testing, wound care, assistance with hygiene, companionship, housekeeping, shopping,  
18 cooking, and assistance with finances.

Page 2

1 (3) "Dependent adult" means a person who, at the time of executing the instrument at  
2 issue under this section, was a person described in either of the following:

3 (i) The person was sixty-five (65) years of age or older and satisfied one or both of the  
4 following criteria:

5 (A) The person was unable to provide properly for his or her personal needs for physical  
6 health, food, clothing, or shelter;

7 (B) Due to one or more deficits in the mental functions listed in § 11-5-12(b)(2), the  
8 person had difficulty managing his or her own financial resources, or resisting fraud or undue  
9 influences.

10 (ii) The person was eighteen (18) years of age or older and satisfied one or both of the  
11 following criteria:

12 (A) The person was unable to provide properly for his or her personal needs for physical  
13 health, food, clothing, or shelter.

14 (B) Due to one or more deficits in the mental functions listed in § 11-5-12(b)(2), the  
15 person had substantial difficulty managing his or her own financial resources, or resisting fraud or  
16 undue influences.

17 (4) "Independent attorney" means an attorney who has no legal, business, financial,  
18 professional, or personal relationship with the beneficiary of a donative transfer at issue under  
19 this chapter, and who would not be appointed as a fiduciary or receive any pecuniary benefit as a  
20 result of the operation of the instrument containing the donative transfer at issue under this  
21 chapter.

22 (5)(i) A person who is "related by blood or affinity" to a specified person means any of

23 the following persons:

24 (A) A spouse or domestic partner of the specified person;

25 (B) A relative within a specified degree of kinship described in §§ 33-19.1-3 or 33-19.1-4  
26 to the specified person, or within a specified degree of kinship described in §§ 33-19.1-3 or 33-  
27 19.1-4 to the spouse or domestic partner of the specified person; or

28 (C) The spouse or domestic partner of a person described in subsection 5(i)(B).

29 (ii) For the purposes of this definition, "spouse or domestic partner" includes a  
30 predeceased spouse or predeceased domestic partner.

31 **33-19.1-3. Prohibited transaction.** -- (a) A provision of any document or instrument,  
32 including commercial instruments as defined in title 6A, making a donative transfer to any of the  
33 following persons is presumed to be the product of fraud or undue influence:

34 (1) The person who drafted the instrument;

Page 3

1 (2) A person in a fiduciary relationship with the transferor who transcribed the instrument  
2 or caused it to be transcribed;

3 (3) A care custodian of a transferor who is a dependent adult, but only if the instrument  
4 was executed during the period in which the care custodian provided services to the transferor, or  
5 within ninety (90) days before or after that period;

6 (4) A person who is related by blood or affinity, within the third degree, to any person  
7 described in subsections (a)(1) - (a)(3).

8 (5) A cohabitant or employee of any person described in subsections (a)(1) - (a)(3); or

9 (6) A partner, shareholder, or employee of a law firm in which a person described in  
10 subsections (a)(1) - (a)(2) has an ownership interest.

11 (b) The presumption created by this section is a presumption affecting the burden of  
12 proof. The presumption may be rebutted by proving, by clear and convincing evidence, that the  
13 donative transfer was not the product of fraud or undue influence.

14 (c) Notwithstanding the provisions of subsections (a)(1) - (a)(2), and with respect to a  
15 donative transfer to the person who drafted the donative instrument, or to a person who is related  
16 to, or associated with, the drafter as described in subsections (a)(4) - (a)(6), the presumption  
17 created by this section is conclusive.

18 (d) If a beneficiary is unsuccessful in rebutting the presumption, the beneficiary shall bear  
19 all costs of the proceeding, including reasonable attorney's fees.

20 **33-19.1-4. Exceptions.** -- Section 33-19.1-3 does not apply to any of the following  
21 instruments or transfers:

22 (1) A donative transfer to a person who is related by blood or affinity, within the fourth  
23 (4th) degree, to the transferor or is the cohabitant of the transferor.

24 (2) An instrument that is drafted or transcribed by a person who is related by blood or  
25 affinity, within the fourth (4th) degree, to the transferor or is the cohabitant of the transferor.

26 (3) An instrument that is approved pursuant to an order of the superior, family, district or  
27 any probate court, after full disclosure of the relationships of the persons involved.

28 (4) A donative transfer to a federal, state, or local public entity, an entity that qualifies for  
29 an exemption from taxation under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code,  
30 or a trust holding the transferred property for the entity.

31 (5) A donative transfer of property valued at five thousand dollars (\$5,000) or less, if the  
32 total value of the transferor's estate equals or exceeds the amount of fifty thousand dollars  
33 (\$50,000).

34 (6) An instrument executed outside of Rhode Island by a transferor who was not a

Page 4

1 resident of Rhode Island when the instrument was executed.

2 **33-19.1-5. Review by independent attorney – Certificate of review.** -- (a) A gift is not

3 subject to § 33-19.1-3 if the instrument is reviewed by an independent attorney who counsels the  
4 transferor, out of the presence of any heir or proposed beneficiary, about the nature and  
5 consequences of the intended transfer, including the effect of the intended transfer on the  
6 transferor's heirs and on any beneficiary of a prior donative instrument, attempts to determine if  
7 the intended transfer is the result of fraud or undue influence, and signs and delivers to the  
8 transferor an original certificate in substantially the following form:

9 "CERTIFICATE OF INDEPENDENT REVIEW  
10 I, \_\_\_\_\_, have reviewed  
11 (attorney's name)  
12 \_\_\_\_\_ and have counseled the transferor,  
13 (name of instrument)  
14 \_\_\_\_\_, on the nature and consequences of any  
15 (name of transferor)  
16 transfers of property to \_\_\_\_\_  
17 (name of person described in § 33-19.1-3) that would be made by the instrument.

18 I am an "independent attorney" as defined in § 33-19.1-2 and I am in a position to advise  
19 the transferor independently, impartially, and confidentially as to the consequences of the  
20 transfer. On the basis of this counsel, I conclude that the transfers to  
21 \_\_\_\_\_ (name of person described in § 33-19.1-3) that  
22 would be made by the instrument are not the product of fraud or undue influence.

23 \_\_\_\_\_  
24 (Name of Attorney) (Bar#) (Date)"

25 (b) An attorney whose written engagement, signed by the transferor, is expressly limited  
26 solely to compliance with the requirements of this section, shall not be considered to otherwise  
27 represent the transferor as a client.

28 (c) An attorney who drafts an instrument can review and certify the same instrument  
29 pursuant to this section, but only as to a gift to a care custodian. In all other circumstances, an  
30 attorney who drafts an instrument may not review and certify the instrument.

31 (d) If the certificate is prepared by an attorney other than the attorney who drafted the  
32 instrument that is under review, a copy of the signed certification shall be provided to the drafting  
33 attorney.

34 (e) In the event that the attorney conducting the independent review determines that the  
Page 5

1 proposed gift is the product of fraud or undue influence, the independent attorney shall notify the  
2 Rhode Island department of elderly affairs in all circumstances where the independent attorney,  
3 as a result of his or her investigation, has reason to believe that elder abuse is or may be present.

4 **33-19.1-6. Failure of gift. --** If a gift fails under this chapter, the instrument making the  
5 gift shall operate as if the beneficiary had predeceased the transferor without spouse, domestic  
6 partner, or issue.

7 **33-19.1-7. Liability. --** (a) A person is not liable for transferring property pursuant to an  
8 instrument that is subject to the presumption created under § 33-19.1-3, unless the person is  
9 served with notice, prior to transferring the property, that the instrument has been contested under  
10 this section.

11 (b) A person who is served with notice that an instrument has been contested under this  
12 section is not liable for failing to transfer property pursuant to the instrument, unless the person is  
13 served with notice that the validity of the transfer has been conclusively determined by a court.

14 **33-19.1-8. Non-Waiveability. --** This chapter applies notwithstanding a contrary  
15 provision in an instrument.

16 **33-19.1-9. Applicability to present documents. --** (a) This section shall apply to  
17 instruments that become irrevocable on or after January 1, 2015. For the purposes of this section,

18 [an instrument that is otherwise revocable or amendable shall be deemed to be irrevocable if, on or](#)  
 19 [after January 1, 2015, the transferor by reason of incapacity was unable to change the disposition](#)  
 20 [of the transferor's property and did not regain capacity before the date of the transferor's death.](#)  
 21 [\(b\) It is the intent of the general assembly that this chapter supplements the common law](#)  
 22 [on undue influence, without superseding or interfering in the operation of that law. Nothing in](#)  
 23 [this chapter precludes an action to contest a donative transfer under the common law or under any](#)  
 24 [other applicable law. This chapter is declarative of existing law.](#)<sup>{add}</sup>  
 25 SECTION 2. This act shall take effect on January 1, 2015.

	<p>MOTION: To find harmful 2014 H 7938 An Act Relating to Probate Practice and Procedure - Financial Exploitation of Elders and Dependent Persons          Motion moved by EG, seconded by RC, passed unanimously</p>
	<p><i>3:30 Recently filed legislation that may impact people with disabilities, Bob Cooper</i></p>
	<p><b>Purpose/Goal:</b> To review recently filed legislation, determine the potential impact on people with disabilities, and adopt legislative impact statements</p>
	<p>Reviews request by: Casey Gartland</p>
	<p><b>Civil Rights</b></p>
	<p><b>2014 H 7827 An Act Relating to Education -- Health and Safety of Pupils</b></p>
	<p>Rep. O'Grady in House Health, Education, &amp; Welfare Committee          This act would require the use of environmentally preferable cleaning supplies in all elementary and secondary schools. The state department of elementary and secondary education would be placed in charge of implementation.          This act would take effect upon passage.</p>

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended  
 2 by adding thereto the following chapter:  
 3 <sup>{add}</sup> [CHAPTER 21.6](#)  
 4 [GREEN CLEANING ACT OF 2014](#)  
 5 [16-21.6-1. Title. – This chapter shall be known and may be cited as the "Green Cleaning](#)  
 6 [Act of 2014."](#)  
 7 [16-21.6-2. Legislative findings and intent. – It is hereby found and declared as follows:](#)  
 8 [\(1\) Research shows a clear link between poor indoor air quality, sick students and](#)  
 9 [teachers, and poor academic and occupational performance. While an effective cleaning program](#)  
 10 [has been scientifically proven to protect against the spread of a variety of diseases and](#)  
 11 [contaminants, some traditional cleaners contain chemicals that may have a greater impact on the](#)  
 12 [environment or a vulnerable population.](#)  
 13 [\(2\) Cleaning and maintenance products and procedures that are more sustainable in terms](#)  
 14 [of human and environmental health are increasingly being developed, are commonly available](#)  
 15 [and have become cost competitive.](#)  
 16 [\(3\) School districts, public and private elementary and secondary schools should](#)  
 17 [implement green cleaning programs which utilize environmentally preferable cleaning and](#)  
 18 [maintenance products and which promote practices for sustainable cleaning, including paper and](#)  
 19 [equipment procurement.](#)

Page 2

1 [\(4\) There is a widespread benefit from a marketplace that encourages innovation to](#)  
 2 [develop products that perform effectively while reducing their environmental impact.](#)

3 **16-21.6-3. Definitions.** – As used in this chapter, the following words and phrases, unless  
4 a different meaning is plainly required by the context, shall have the following meanings:

5 (1) "Elementary and secondary schools" means facilities used for instruction of  
6 elementary or secondary students by:

7 (i) Any school district;

8 (ii) Any charter school;

9 (iii) Any school for students with disabilities; or

10 (iv) Any other private or parochial elementary or secondary school with greater than  
11 twenty-five (25) students.

12 (2) "Environmentally preferable cleaning and maintenance products" means those  
13 cleaning and maintenance products and equipment intended to clean surfaces within a school  
14 facility (such as, but not limited to: glass cleaners, bathroom cleaners, carpet cleaners and general  
15 surface cleaners) that perform effectively and simultaneously meet the cleaning needs of the  
16 school while minimizing adverse impacts on human health and the environment.

17 (3) "Environmentally preferable paper" means janitorial paper products that minimize the  
18 environmental impact resulting from their use, production, transport and disposal.

19 (4) "Facility" means any school building or facility used for instructional purposes and  
20 the surrounding grounds or other sites used for playgrounds, athletics or other instructional  
21 purposes.

22 **16-21.6-4. Green cleaning supply guidelines and specifications.** – (a) The department  
23 of elementary and secondary education (which shall be designated the lead agency for the  
24 purposes of this chapter) shall, in consultation with the department of health, and a panel of  
25 stakeholders (to be appointed by the director of elementary and secondary education which shall  
26 include cleaning industry representatives, nongovernmental organizations, and others) establish  
27 and amend on a biennial basis guidelines and specifications for environmentally preferable  
28 cleaning and maintenance products, equipment and paper, for use in school facilities. The  
29 department of elementary and secondary education shall provide multiple avenues by which  
30 cleaning and maintenance products, equipment and paper may be determined to be  
31 environmentally preferable under the guidelines. At a minimum, the guidelines shall include the  
32 United States Environmental Protection Agency's Design for the Environment (DfE) Program,  
33 the EcoLogo program administered by TerraChoice, Green Seal as avenues, as well as alternative  
34 means of qualification, such as: a submission of testing by an accredited third party verifying that  
Page 3

1 the product meets the criteria of one of the recognized standards and others as determined  
2 appropriate by the department of elementary and secondary education.

3 (b) The guidelines and specifications established under this section shall not prohibit the  
4 use of disinfectants, disinfecting cleaners, sanitizers, or any other antimicrobial product regulated  
5 by the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et seq.), when necessary  
6 to protect public health; provided, that the use of these products is in accordance with responsible  
7 cleaning procedures requirements. The guidelines and specifications may stipulate  
8 environmentally preferable requirements preferability (including, but not limited to, the use of  
9 third-party certifications of environmental preferability) to be made in reference to such products.

10 (c) The guidelines and specifications established under this section shall permit the use of  
11 products outside the scope of the guidelines developed under this section, and those products  
12 otherwise excluded from the environmental standards established by any of the generally  
13 recognized third-party entities listed in the guidelines developed herein.

14 (d) Guidelines and specifications must be established after a review and evaluation of  
15 existing research and must be completed no later than one hundred eighty (180) days after the  
16 effective date of this chapter. Guidelines and specifications should include implementation  
17 practices, including inspection and evaluation. The completed guidelines and specifications must

18 [be posted on the department of elementary and secondary education website.](#)  
 19 [16-21.6-5. Use of environmentally preferable cleaning supplies.](#) – No later than ninety  
 20 (90) days after implementation of the guidelines and specifications established under § 16-21.6-4  
 21 herein, all elementary and secondary schools shall establish a sustainable cleaning policy and  
 22 exclusively purchase and use environmentally preferable cleaning products, equipment and paper  
 23 pursuant to said guidelines and specifications; provided, however, that schools shall not dispose  
 24 of existing products, equipment or paper, but rather shall be permitted to deplete existing supplies  
 25 and implement the new requirements in the procurement cycle for the following year.

26 [16-21.6-6. Dissemination.](#) – (a) Within thirty (30) days of the completion of the  
 27 guidelines and specifications pursuant to § 16-21.6-4 herein, the department of elementary and  
 28 secondary education shall determine and implement a method for disseminating to each  
 29 elementary and secondary school in the state, a copy of said guidelines and specifications. The  
 30 department of elementary and secondary education shall maintain a website that promotes the use  
 31 of environmentally preferable cleaning and maintenance programs, which provides information  
 32 on how procurement officials and others can determine which cleaning products, paper and/or  
 33 equipment meet the criteria for environmental preferability, and that will include best practices  
 34 for covered schools regarding environmentally preferable cleaning and maintenance products.

Page 4

1 Said website should contain prominent language stating that the guidelines do not apply to  
 2 products excluded under §§ 16-21.6-4(b) and (c). The department of elementary and secondary  
 3 education shall also provide on-going assistance to schools to carry out the requirements of this  
 4 chapter.

5 (b) In the event that the guidelines and specifications under § 16-21.6-4 herein are  
 6 updated by the department of elementary and secondary education, the department shall provide a  
 7 copy of updates to each school and shall post all updated materials on its website.<sup>{add}</sup>

8 SECTION 2. This act shall take effect upon passage.

	The Committee took no position
	Disability Prevention
	2014 H 7805 An Act Relating to Health and Safety - Tobacco Control Program
	Rep. Handy in House Finance Committee This act would create the "Tobacco Control Program" designed to help reduce tobacco use in Rhode Island. Also, this act would increase the tax imposed on cigarettes sold in Rhode Island would also and set forth the rate to be paid by distributors for tax stamps from one hundred seventy-five (175) mills to two hundred twenty-five (225) mills for each cigarette. This act would take effect upon passage.

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
 2 amended by adding thereto the following chapter:

3 <sup>{add}</sup>CHAPTER 93

4 TOBACCO CONTROL PROGRAM

5 [23-93-1. Legislative findings.](#) – Cigarette smoking presents serious public health  
 6 concerns to the state and to the citizens of the state. The surgeon general has determined that  
 7 smoking causes lung cancer, heart disease, and other serious diseases, and that there are hundreds  
 8 of thousands of tobacco related deaths in the United States each year. These diseases most often  
 9 do not appear until many years after the person begins smoking.

10 [23-93-2. Tobacco control program.](#) – (a) For fiscal years 2015 and 2016, the governor  
 11 and general assembly shall include at least three million one hundred thousand dollars  
 12 (\$3,100,000) in the annual budget for appropriations to the state department of health to

13 implement the tobacco control program and for programs and activities aimed at reducing  
14 tobacco use in Rhode Island as recommended by the centers for disease control and prevention, or  
15 its successor agency, to prevent and reduce tobacco use, reduce exposure to secondhand smoke,  
16 encourage cessation efforts, and identify and eliminate disparities related to tobacco use and its  
17 effects among different population groups.

18 (b) Commencing fiscal year 2017 and each fiscal year thereafter, the governor and  
19 general assembly shall include in the annual budget appropriations an additional five hundred  
Page 2

1 thousand dollars (\$500,000) to the amount allocated to the department of health tobacco control  
2 program in the previous year for the purposes described in subsection (a) of this section until total  
3 funding for the program has reached the level of funding recommended by the United States  
4 centers for disease control and prevention, or its successor agency.<sup>{add}</sup>

5 SECTION 2. Sections 44-20-12, 44-20-12.4 and 44-20-19 of the General Laws in  
6 Chapter 44-20 entitled "Cigarette Tax" are hereby amended to read as follows:

7 **44-20-12. Tax imposed on cigarettes sold.** -- A tax is imposed on all cigarettes sold or  
8 held for sale in the state. The payment of the tax to be evidenced by stamps, which may be  
9 affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on  
10 which the proper amount of tax provided for in this chapter has been paid, payment being  
11 evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of  
12 ~~one hundred seventy-five (175)~~<sup>{delete}</sup> ~~(175)~~<sup>{delete}</sup> <sup>{add}</sup> two hundred twenty-five (225)<sup>{add}</sup> mills for each  
cigarette.

13 **44-20-12.4. Floor stock tax on cigarettes and stamps.** -- (a) Whenever used in this  
14 section, unless the context requires otherwise:

15 (1) "Cigarette" means and includes any cigarette as defined in section 44-20-1(2);

16 (2) "Person" means and includes each individual, firm, fiduciary, partnership,  
17 corporation, trust, or association, however formed.

18 (b) Each person engaging in the business of selling cigarettes at retail in this state shall  
19 pay a tax or excise to the state for the privilege of engaging in that business during any part of the  
20 calendar year ~~2012~~ 2014. In calendar year ~~2012~~ <sup>{add}</sup> 2014<sup>{add}</sup>, the tax shall be measured by the  
number of

21 cigarettes held by the person in this state at 12:01 a.m. on July 1, ~~2012~~<sup>{delete}</sup> ~~(2012)~~<sup>{delete}</sup> <sup>{add}</sup> 2014<sup>{add}</sup> and  
is computed at

22 the rate of two (2.0) mills for each cigarette on July 1, ~~2012~~<sup>{delete}</sup> ~~(2012)~~<sup>{delete}</sup> <sup>{add}</sup> 2014<sup>{add}</sup>.

23 (c) Each distributor licensed to do business in this state pursuant to this chapter shall pay  
24 a tax or excise to the state for the privilege of engaging in business during any part of the calendar  
25 year ~~2012~~ 2014. The tax is measured by the number of stamps, whether affixed or to be affixed to  
26 <sup>{add}</sup> 2014<sup>{add}</sup> packages of cigarettes, as required by section 44-20-28. In calendar year ~~2012~~<sup>{delete}</sup> ~~(2012)~~<sup>{delete}</sup>

27 measured by the number of stamps, as defined in section 44-20-1(10), whether affixed or to be  
28 affixed, held by the distributor at 12:01 a.m. on July 1, ~~2012~~<sup>{delete}</sup> ~~(2012)~~<sup>{delete}</sup> <sup>{add}</sup> 2014<sup>{add}</sup>, and is  
computed at the rate of

29 two (2.0) mills per cigarette in the package to which the stamps are affixed or to be affixed.

30 (d) Each person subject to the payment of the tax imposed by this section shall, on or  
31 before July 10, ~~2012~~<sup>{delete}</sup> ~~(2012)~~<sup>{delete}</sup> 2014, file a return with the tax administrator on forms furnished by  
him or

32 her, under oath or certified under the penalties of perjury, showing the amount of cigarettes or  
33 stamps in that person's possession in this state at 12:01 a.m. on July 1, ~~2012~~<sup>{delete}</sup> ~~(2012)~~<sup>{delete}</sup> <sup>{add}</sup> 2014<sup>{add}</sup>, and the amount

34 of tax due, and shall at the time of filing the return pay the tax to the tax administrator. Failure to  
Page 3

1 obtain forms shall not be an excuse for the failure to make a return containing the information  
2 required by the tax administrator.

3 (e) The tax administrator may promulgate rules and regulations, not inconsistent with  
4 law, with regard to the assessment and collection of the tax imposed by this section.

5 **44-20-19. Sales of stamps to distributors. --** The tax administrator shall sell stamps only  
6 to licensed distributors at a discount <sup>{add}</sup> of four cents (\$0.04) per stamp <sup>{add}</sup>. The distributor remits  
7 to the

8 division of taxation <sup>{delete}</sup> ~~ninety-eight and three-fourths percent (98.75%) of the face value of the~~  
9 ~~stamps thereby receiving a discount of one and one-quarter percent (1.25%) of the face value of~~  
10 ~~the stamps. The ninety-eight and three-fourths percent (98.75%) remitted to the tax~~  
11 ~~administrator~~ <sup>{delete}</sup>

12 <sup>{add}</sup> the remaining amount to be <sup>{add}</sup> paid over to the general revenue <sup>{add}</sup> by the tax  
13 administrator <sup>{add}</sup>. The tax

14 administrator may, in his or her discretion, permit a licensed distributor to pay for the stamps  
15 within thirty (30) days after the date of purchase; provided, that a bond satisfactory to the tax  
16 administrator in an amount not less than the sale price of the stamps has been filed with the tax  
17 administrator conditioned upon payment for the stamps. The tax administrator shall keep accurate  
18 records of all stamps sold to each distributor.

19 SECTION 3. This act shall take effect upon passage.

	The Committee took no positions
	<b>2014 H 7861 An Act Relating to Food And Drugs - Uniform Controlled Substances Act - Offenses and Penalties</b>
	Rep. Edwards in House Judiciary Committee This act would amend the civil penalty for possession of one ounce or less of marijuana from a one hundred fifty dollar (\$150) fine to a fine of one hundred dollars (\$100) to not more than two hundred dollars (\$200), and would make said fine applicable whether the fine is imposed on a first or subsequent offense. This act would take effect upon passage.

1 SECTION 1. Section 21-28-4.1 of the General Laws in Chapter 21-28 entitled "Uniform  
2 Controlled Substances Act" is hereby amended to read as follows:

3 **21-28-4.1. Prohibited acts A -- Penalties. --** (a) (1) Except as authorized by this chapter,  
4 it shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture  
5 or deliver a controlled substance.

6 (2) Any person who is not a drug addicted person, as defined in section 21-28-1.02(18),  
7 who violates this subsection with respect to a controlled substance classified in schedule I or II,  
8 except the substance classified as marijuana, is guilty of a crime and upon conviction may be  
9 imprisoned to a term up to life, or fined not more than five hundred thousand dollars (\$500,000)  
10 nor less than ten thousand dollars (\$10,000), or both.

11 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of  
12 death to the person to whom the controlled substance is delivered, it shall not be a defense that  
13 the person delivering the substance was at the time of delivery, a drug addicted person as defined  
14 in section 21-28-1.02(18).

15 (4) Any person, except as provided for in subdivision (2) of this subsection, who violates  
16 this subsection with respect to:

17 (i) A controlled substance classified in schedule I or II, is guilty of a crime and upon  
18 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one  
19 Page 2

1 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

2 (ii) A controlled substance classified in schedule III or IV, is guilty of a crime and upon

3 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty  
4 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in  
5 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not  
6 more than twenty thousand dollars (\$20,000), or both.

7 (iii) A controlled substance classified in schedule V, is guilty of a crime and upon  
8 conviction may be imprisoned for not more than one year, or fined not more than ten thousand  
9 dollars (\$10,000), or both.

10 (b) (1) Except as authorized by this chapter, it is unlawful for any person to create,  
11 deliver, or possess with intent to deliver, a counterfeit substance.

12 (2) Any person who violates this subsection with respect to:

13 (i) A counterfeit substance classified in schedule I or II, is guilty of a crime and upon  
14 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one  
15 hundred thousand dollars (\$100,000), or both;

16 (ii) A counterfeit substance classified in schedule III or IV, is guilty of a crime and upon  
17 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty  
18 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in  
19 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not  
20 more than twenty thousand dollars (\$20,000) or both.

21 (iii) A counterfeit substance classified in schedule V, is guilty of a crime and upon  
22 conviction may be imprisoned for not more than one year, or fined not more than ten thousand  
23 dollars (\$10,000), or both.

24 (c) (1) It shall be unlawful for any person knowingly or intentionally to possess a  
25 controlled substance, unless the substance was obtained directly from or pursuant to a valid  
26 prescription or order of a practitioner while acting in the course of his or her professional  
27 practice, or except as otherwise authorized by this chapter.

28 (2) Any person who violates this subsection with respect to:

29 (i) A controlled substance classified in schedules I, II and III, IV, and V, except the  
30 substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for  
31 not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five  
32 thousand dollars (\$5,000), or both;

33 (ii) More than one ounce (1 oz.) of a controlled substance classified in schedule I as  
34 marijuana is guilty of a misdemeanor except for those persons subject to subdivision 21-28-  
Page 3

1 4.01(a)(1) and upon conviction may be imprisoned for not more than one year or fined not less  
2 than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

3 (iii) Notwithstanding any public, special or general law to the contrary, the possession of  
4 one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older and  
5 who is not exempted from penalties pursuant to chapter 21-28.6 shall constitute a civil offense,  
6 rendering the offender liable to a civil penalty in the amount of <sup>{delete}</sup> ~~one hundred fifty dollars~~  
~~(\$150)~~ <sup>{delete}</sup> ~~and forfeiture of the marijuana shall apply if the offense is the first~~  
<sup>{add}</sup> not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) <sup>{add}</sup> and  
7 forfeiture

8 of the marijuana, but not to any other form of criminal or civil punishment or disqualification.  
9 <sup>{delete}</sup> ~~Notwithstanding any public, special or general law to the contrary, this civil penalty of one~~  
10 ~~hundred fifty dollars (\$150) and forfeiture of the marijuana shall apply if the offense is the first~~  
11 ~~(1st) or second (2nd) violation within the previous eighteen (18) months.~~ <sup>{delete}</sup>

12 (iv) Notwithstanding any public, special or general law to the contrary, possession of one  
13 ounce (1 oz.) or less of marijuana by a person who is under the age of eighteen (18) years and  
14 who is not exempted from penalties pursuant to chapter 21-28.6 shall constitute a civil offense,  
15 rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars (\$150)

16 and forfeiture of the marijuana; provided the minor offender completes an approved drug  
 17 awareness program and community service as determined by the court. If the person under the  
 18 age of eighteen (18) years fails to complete an approved drug awareness program and community  
 19 service within one year of the offense, the penalty shall be a three hundred dollar (\$300) civil fine  
 20 and forfeiture of the marijuana, except that if no drug awareness program or community service is  
 21 available, the penalty shall be a fine of one hundred fifty dollars (\$150) and forfeiture of the  
 22 marijuana. The parents or legal guardian of any offender under the age of eighteen (18) shall be  
 23 notified of the offense and the availability of a drug awareness and community service program.  
 24 The drug awareness program must be approved by the court, but shall, at a minimum, provide  
 25 four (4) hours of instruction or group discussion, and ten (10) hours of community service.  
 26 Notwithstanding any other public, special or general law to the contrary, this civil penalty shall  
 27 apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18)  
 28 months.

29 ~~(v) Notwithstanding any public, special, or general law to the contrary, a person not~~  
 30 ~~exempted from penalties pursuant to chapter 21-28.6 found in possession of one ounce (1 oz.) or~~  
 31 ~~less of marijuana is guilty of a misdemeanor and upon conviction may be imprisoned for not~~  
 32 ~~more than thirty (30) days or fined not less than two hundred dollars (\$200) nor more than five~~  
 33 ~~hundred dollars (\$500), or both, if that person has been previously adjudicated on a violation for~~  
 34 ~~possession of less than one ounce (1 oz.) of marijuana under subparagraphs 21-28-4.01(c)(2)(iii)~~

Page 4

1 ~~or 21-28-4.01(c)(2)(iv) two (2) times in the eighteen (18) months prior to the third (3rd) offense.~~

2 ~~(vi)~~ <sup>{delete}</sup> ~~(v)~~ <sup>{add}</sup> Any unpaid civil fine issued under subparagraphs 21-28-4.01(c)(2)(iii) or  
 21-28-

3 4.01(c)(2)(iv) shall double to three hundred dollars (\$300) if not paid within thirty (30) days of  
 4 the offense. The civil fine shall double again to six hundred dollars (\$600) if it has not been paid  
 5 within ninety (90) days.

6 ~~(vii)~~ <sup>{delete}</sup> ~~(vi)~~ <sup>{add}</sup> No person may be arrested for a violation of subparagraphs 21-28-  
 7 4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) except as provided in this subparagraph. Any person in  
 8 possession of an identification card, license, or other form of identification issued by the state or  
 9 any state, city or town, or any college or university, who fails to produce the same upon request  
 10 of a police officer who informs the person that he or she has been found in possession of what  
 11 appears to the officer to be one ounce (1 oz.) or less of marijuana, or any person without any such  
 12 forms of identification that fails or refuses to truthfully provide his or her name, address, and date  
 13 of birth to a police officer who has informed such person that the officer intends to provide such  
 14 individual with a citation for possession of one ounce (1 oz.) or less of marijuana, may be  
 15 arrested.

16 ~~(viii)~~ <sup>{delete}</sup> ~~(vii)~~ <sup>{add}</sup> No violation of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-  
 4.01(c)(2)(iv)

17 shall be considered a violation of parole or probation.

18 ~~(ix)~~ <sup>{delete}</sup> ~~(viii)~~ <sup>{add}</sup> Any records collected by any state agency or tribunal that include  
 personally

19 identifiable information about violations of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-  
 20 4.01(c)(2)(iv) shall be sealed eighteen (18) months after the payment of said civil fine.

21 No other changes on pages 4 - 5

27 SECTION 2. This act shall take effect upon passage.

	The Committee took no position
	2014 H 7875 An Act Relating to Health and Safety -- Comprehensive Fire Safety Act
	Rep. Morin to be hearing by House Municipal Government Committee on 4/3/2014

This act would bring various sections relative to fire safety up-to-date relative to the National Fire Prevention Act standards. This act adds definitions of "Adult Day-Care" and "Emergency Shelter Occupancy". This act would take effect upon passage.
---

1 SECTION 1. Section 23-28.01-5 of the General Laws in Chapter 23-28.01 entitled  
2 "Comprehensive Fire Safety Act" is hereby amended to read as follows:

3 **23-28.01-5. Planning and reporting.** -- (a) The system of fire safety codes, compliance,  
4 enforcement, and education, shall be regularly reviewed in order to maintain the use of best  
5 practices throughout Rhode Island and to plan for and implement professional, comprehensive,  
6 efficient and effective fire safety measures in the state.

7 (b) The fire marshal shall, in conjunction with the fire safety code board of appeal and  
8 review, the building code commission, the department of health, the economic development  
9 corporation, the department of elementary and secondary education, and representatives of local  
10 fire departments, prepare and approve by February 20, 2004, a comprehensive plan setting forth  
11 goals and implementation measures for improving fire safety in Rhode Island, which plan shall  
12 include recommendations regarding public, fire safety education. The plan may be periodically  
13 reviewed and amended and shall be updated at least once every five (5) years. The plan, and any  
14 amendments and updates, shall be submitted to the governor, the speaker of the house and the  
15 president of the senate. A copy of the plan shall be provided to the secretary of state, and the  
16 report shall be posted on the website of the fire marshal.

17 (c) The fire marshal shall submit a report <sup>{delete}</sup>on or before February 1, 2005, and <sup>{delete}</sup>  
18 annually  
19 not later than February 1 in each year <sup>{delete}</sup>thereafter, <sup>{delete}</sup> to the governor, the speaker of the  
20 house and the

21 president of the senate on fire safety in Rhode Island, summarizing the incidence of fires in  
22 Page 2

23 Rhode Island, describing the status of fire safety efforts in Rhode Island and progress toward  
24 meeting goals set forth in the five (5) year plan, and recommending actions for improving fire  
25 safety. A copy of the report shall be provided to the secretary of state, and the report shall be  
26 posted on the website of the fire marshal.

27 (d) In order to increase public information about fire risks in places of assembly, the fire  
28 marshal shall make public the repeat and/or uncorrected fire safety code violations of all places of  
29 assembly that are classified as nightclubs and provide this information on a website, effective  
30 February 20, 2004.

31 SECTION 2. Section 23-28.1-5 of the General Laws in Chapter 23-28.1 entitled "Fire  
32 Safety Code – General Provisions" is hereby amended to read as follows:

33 **23-28.1-5. Definitions.** -- The terms used in NFPA 1 (Uniform Fire Code), in NFPA 101  
34 (Life Safety Code) and in such other national codes as are authorized for adoption by the Fire  
35 Safety Code Board of Appeal and Review shall be given the definitions established in those codes  
36 unless another meaning is provided for in this title and is essential to implementing the purposes  
37 of this title, and the Fire Safety Code Board of Appeal and Review shall have authority to resolve  
38 any conflicts among definitions in order to achieve the purposes of this title and/or provide for the  
39 efficient administration of codes:

40 (1) Abatement or to abate a condition. - Abatement, or to abate a condition, is the  
41 reduction, decrease, or diminution of a hazardous condition that presents immediate danger to  
42 life. The term "immediate" denotes that action is or must be taken either instantly or without any  
43 considerable loss of time. The condition may be singular or may be a set of conditions that in  
44 combination present an immediate danger to life. Such conditions shall include improper  
45 management or use of flammable and combustible materials, liquids and gasses, pyrotechnics,  
46 fireworks or explosives, malfunctioning automatic sprinklers, fire alarms and emergency lighting,

25 malfunctioning heating and electrical systems, blocked or inadequate exits or means of egress,  
26 and such other conditions as may be established by the Fire Safety Code Board of Appeal and  
27 Review.

28 (2) Authority having jurisdiction. - Unless specifically defined to the contrary in this  
29 code, the authority having jurisdiction for the enforcement of this code shall be the state fire  
30 marshal, the deputy fire marshals, and assistant deputies.

31 <sup>{add}</sup>(3) Adult Day-Care. - A building or portion thereof used for less than twenty-four (24)  
32 hours per day to house more than three (3) adults requiring supportive care, maintenance, and  
33 supervision by persons other than their relatives.

34 (4) Authority Having Jurisdiction (Enforcement). - Unless specifically defined to the  
Page 3

1 contrary in this code, the authority having jurisdiction for the enforcement of this code shall be  
2 the state fire marshal. The state fire marshal may delegate this enforcement authority to any  
3 deputy state fire marshal or assistant deputy state fire marshal that he or she certifies and appoints  
4 pursuant to § 23-28.2-1 et seq. However, as a condition of their continued certification, all such  
5 appointed deputy state fire marshals and assistant deputy state fire marshals shall apply the code,  
6 consistently and uniformly across the state, under the guidance of the state fire marshal.

7 (5) Bed and Breakfast Home. - An owner and/or innkeeper occupied building that  
8 provides sleeping accommodations for up to sixteen (16) guests. Every "Bed and Breakfast  
9 Home" must further have originated as a private home and must have at least three hundred  
10 square feet (300 sq. ft.) of common space (i.e., dining room, living room, etc.) for guest use, and  
11 must further provide breakfast. Finally, the owner and/or innkeeper must occupy the building  
12 twenty-four (24) hours a day, seven (7) days a week, while guests are utilizing the facility. The  
13 owner and/or innkeeper of the bed and breakfast home shall have a plan of action, approved by  
14 the local official, to assure the safety of the guests in the event the owner or innkeeper is required  
15 to temporarily leave the facility unsupervised for limited periods during the day.

16 (6) Certificate of Occupancy. - After the building official inspects the building or  
17 structure and, after consultation with the Authority Having Jurisdiction (AHJ) enforcing the  
18 provisions of this code, finds no violations of the provisions of this code or other laws that are  
19 enforced by the department of building safety, the building official issues an official document  
20 known as a "certificate of occupancy" that generally contains the following:

21 (i) The building permit number;  
22 (ii) The address of the structure;  
23 (iii) The name and address of the owner;  
24 (iv) A description of that portion of the structure for which the certificate is issued;  
25 (v) A statement that the described portion of the structure has been inspected for  
26 compliance with the requirements of this code for the occupancy and division of occupancy, and  
27 the use for which the proposed occupancy is classified;

28 (vi) The name of the building official;  
29 (vii) The edition of the code under which the permit was issued;  
30 (viii) The use and occupancy, in accordance with the provisions of the state building  
31 code;

32 (ix) The type of construction as defined in the state building code;

33 (x) The design occupant load;

34 (xi) If an automatic sprinkler system is provided, whether the sprinkler system is

Page 4

1 required;

2 (xii) Any special stipulations and conditions of the building permit; and

3 (xiii) 3.4.6 Citation System. - A system of enforcement outlined in § 23-28.2-14.<sup>{add}</sup>

4 ~~{delete}~~ ~~(3)~~ ~~{delete}~~ <sup>{add}</sup> ~~(7)~~ <sup>{add}</sup> Code. - The term "code" means this Fire Safety Code established

under the  
5 provisions of section 23-28.1-1.  
6 ~~(4)~~ <sup>(8)</sup> Compliance order. - For the purposes of this Code, a compliance order  
is defined  
7 as a command or direction authoritatively given to a building owner or occupant to provide  
8 conformance with the Fire Safety Code. A compliance order takes effect when a building owner  
9 or occupant, after proper notice, has exhausted his/her administrative appeals or has failed to avail  
10 himself/herself of appropriate administrative appeals within a reasonable period of time after  
11 receiving proper notice.  
12 <sup>(9)</sup> Emergency Shelter Occupancy. - An occupancy or portion thereof used on a  
13 temporary basis to provide sleeping accommodations for transient or displaced individuals who  
14 have no other shelter arrangements during periods of severe weather or during the aftermath of a  
15 natural or man-made disaster. <sup>(10)</sup>  
16 ~~(5)~~ <sup>(10)</sup> Family day care home. - The term "family day care home" means any home  
other  
17 than the child's home in which child day care in lieu of parental care and/or supervision is offered  
18 at the same time to at least four (4) but not more than eight (8) children who are not relatives of  
19 the care giver, and which is licensed by the state department of children, youth, and families and  
20 subject to the department's regulations.  
21 <sup>(11)</sup> Funeral Establishment . - An assembly occupancy, as defined by § 5-33.2-1(k) as a  
22 "fixed place, establishment or premises, licensed by the department (of health), devoted to the  
23 activities which are incident, convenient, or related to the care and preparation, arrangement,  
24 financial and otherwise, for the funeral, transportation, burial or other disposition of human  
25 bodies and including, but not limited to, a suitable room with all instruments and supplies used  
26 for the storage and/or preparation of dead human bodies for burial or other disposition." <sup>(12)</sup>  
27 ~~(6)~~ <sup>(12)</sup> Nightclub. - A place of public accommodation, which in general is  
characterized  
28 by all of the following:  
29 (i) Provides entertainment by a live band or recorded music generating above normal  
30 sound levels.  
31 (ii) Has as its primary source of revenue, in general, the sale of beverages of any kind for  
32 consumption on the premises and/or cover charges. Food, if served, is considered a secondary  
33 attraction.  
34 (iii) Has an occupant load <sup>(13)</sup> of one hundred fifty (150) <sup>(14)</sup> in total or in any single area or  
Page 5  
1 room of at least 100 patrons.  
2 Nothing in this definition shall be construed to include any place of public  
3 accommodation or any event within a place of public accommodation, which is in its nature  
4 distinctly private.  
5 <sup>(13)</sup> (13) Organized Dining Facility. - A place of public accommodation which is  
6 characterized as a facility where private events are held and where the primary source of revenue,  
7 in general, is derived from rental charges for use of the facility and service of food. Such a facility  
8 shall not provide for cover charges or have as a primary attraction any event where entertainment  
9 is provided by a live band or recorded music. Such a facility primarily provides for organized  
10 banquets, private parties, fund raisers, wedding receptions, ceremonial events and the like. <sup>(14)</sup>  
11 ~~(7)~~ <sup>(14)</sup> "Place of worship" means a building or structure, or an area thereof,  
the  
12 occupancy of which is for the religious rites and services and communal functions of a  
13 congregation, and which shall include sanctuaries, gathering halls, meeting rooms and offices and  
14 related facilities of the congregation, which may be located in the same, in connected, or in

15 proximate structures.

16 <sup>{add}</sup> (15) Suspended Ceiling. - A ceiling system of a grid of channels or "T-bars" suspended  
17 from the structure above for readily removable acoustical tiles or lay-in panels.

18 (16) Temporary Certificate of Occupancy. - The building official may issue a temporary  
19 certificate of occupancy before the completion of the entire work covered by the permit, provided  
20 that such portion or portions shall be occupied safely. The building official shall set a time period  
21 during which the temporary certificate of occupancy is valid.

22 (17) Three-Family Apartment Building. - A building or portion thereof containing three  
23 (3) dwelling units with independent cooking and bathroom facilities. This code shall provide  
24 reasonable standards for the installation of smoke and carbon monoxide detectors in three (3)  
25 family apartment buildings.<sup>{add}</sup>

26 SECTION 3. Sections 23-28.2-21 and 23-28.2-27 of the General Laws in Chapter 23-  
27 28.2 entitled "Division of Fire Safety" are hereby amended to read as follows:

28 **23-28.2-21. National Fire Code. --** Except wherever herein specifically defined or  
29 covered in this code, the provisions of the N.F.P.A. Standards included in the National Fire Code,  
30 ~~{delete}~~2003~~{delete}~~ <sup>{add}</sup>2012<sup>{add}</sup> edition, shall be used by the authority having jurisdiction as the  
31 accepted standard with

31 regard to fire safety regarding any unforeseen condition.

32 **23-28.2-27. Inspection fees. --** (a) The state fire marshal's office shall assess an  
33 inspection fee of one-hundred dollars (\$100.00) per inspection for any inspection performed by  
34 that office pursuant to chapter 28.1 of Title 23, or any other provisions of the state fire code,

Page 6

1 including any rule or regulation promulgated by either the fire safety code board of appeal and  
2 review or the state fire marshal. The inspection fee shall be assessed for each required inspection.  
3 Initial inspections and any required subsequent re-inspection shall constitute separate visits for  
4 which separate inspection fees will be payable.

5 (b) In the case of an inspection involving residential use, the fee shall be paid by the  
6 property owner.

7 (c) In the case of any inspection involving any assembly, industrial, mercantile, business  
8 educational, health care, ambulatory health care, day care<sup>{add}</sup>, residential board and care, storage,  
9 apartment buildings, lodging and rooming, hotels, dormitories, detention and correction<sup>{add}</sup> or  
10 municipal government use, the fee shall be paid by one of the following parties:

11 (1) The occupant/tenant of the property if the occupant/tenant holds any license issued  
12 by the State of Rhode Island that requires fire code compliance; or

13 (2) The lessee of the property if the lessee is the sole tenant; or

14 (3) If neither (1) nor (2) apply, the owner of the property will be responsible for payment  
15 of the inspection fee.

16 ~~{delete}~~ ~~(d) The fee shall be waived for a specific inspection in the event that no violation of any~~  
17 ~~provision of the state fire code including any rule or regulation is found.~~

18 ~~(e)~~<sup>{delete}</sup> <sup>{add}</sup> ~~(d)~~<sup>{add}</sup> No inspection fee shall be assessed against any municipality or municipal  
19 agency

20 or the State of Rhode Island, or any department, board, or commission thereof. No inspection fee  
21 shall be assessed for any inspection conducted for the purpose of updating the compliance status  
22 of a building in preparation for a hearing before the fire safety code board of appeal and review or  
23 before any court.

23 ~~{delete}~~ ~~(f)~~<sup>{delete}</sup> <sup>{add}</sup> ~~(e)~~<sup>{add}</sup> All fees collected pursuant to this section shall be deposited as general  
24 revenue.

24 SECTION 4. Section 23-28.4-5 of the General Laws in Chapter 23-28.4 entitled "Safety  
25 and Health Programs for Fire Departments" is hereby amended to read as follows:

26 **23-28.4-5. Implementation plan. --** Each applicable fire department in the state shall

27 formulate a written plan to implement the requirements of NFPA 1500 <sup>{delete}</sup> ~~not more than one~~  
28 ~~hundred twenty days (120) after July 10, 1990~~ <sup>{delete}</sup> which shall be updated annually and a copy  
shall  
29 be given to the director of labor and training to be kept on file, and a copy shall be given to the  
30 bargaining agent representing employees within the fire department. A copy of each applicable  
31 fire department's NFPA 1500 implementation plan shall be forwarded by the department of labor  
32 and training to the NFPA 1500 Implementation Plan Review Committee, as established pursuant  
33 to section 23-28.4-5.1, within thirty (30) days after its receipt by the department of labor and  
34 training. The plan shall identify each specific requirement of NFPA 1500 for which the fire  
Page 7

1 department currently complies and each specific requirement for which corrective action must be  
2 initiated for compliance. The plan shall include a timetable for corrective action. The written plan  
3 shall be made available for review by any fire department employee and/or employee  
4 representative. <sup>{delete}</sup> ~~Compliance for each specific requirement of NFPA 1500 shall be~~  
~~accomplished~~  
5 ~~not later than three (3) years after June 9, 1988.~~ <sup>{delete}</sup>

6 SECTION 5. Sections 23-28.6-21, 23-28.6-22 and 23-28.6-24 of the General Laws in  
7 Chapter 23-28.6 entitled "Places of Assembly" are hereby amended to read as follows:

8 **23-28.6-21. Sprinklers required.** -- (a) All new and existing places of assembly shall be  
9 completely protected by an approved system of automatic sprinklers installed and maintained in  
10 accordance with N.F.P.A. Standard 13, <sup>{delete}</sup> ~~2002~~ <sup>{delete}</sup> <sup>{add}</sup> 2011 <sup>{add}</sup> Edition and its related  
standards pursuant to

11 the schedule outlined in subsection (d) of this section.

12 (b) The requirements of subsection (a) of this section shall not apply to:

13 (1) Any place of assembly with an occupancy load of fifty (50) to three hundred (300)  
14 people of less concentrated use, exclusively calculated at fifteen (15) square feet per person;

15 (2) Any place of assembly with an occupancy load of fifty (50) to three hundred (300)  
16 people of concentrated use not classified as a "nightclub";

17 (3) Any place of assembly with an occupancy load of fifty (50) to three hundred (300)  
18 people of concentrated use, classified as a "nightclub" with a posted maximum occupancy of less  
19 than one hundred fifty (150) people;

20 (4) Any existing building used primarily as a place of worship that is in compliance with  
21 the requirements for places of worship established pursuant to section 23-28.6-24;

22 (5) The open assembly areas in existing unheated buildings used on a seasonal basis  
23 provided the building is protected by a properly maintained total (complete) fire alarm system  
24 during all periods of occupancy; and

25 (6) Student occupied assembly areas, such as auditorium(s), library(s), cafeteria(s) and  
26 gymnasium(s), within any existing building, classified as either an educational occupancy, or an  
27 institution of higher education such as a community college, a college and/or university, that is  
28 protected by a properly maintained total (complete) fire alarm system. In the event the owner or  
29 management of such a building plans to use one or more of the above assembly areas, in a  
30 manner inconsistent with the traditional educational use, for example a community meeting, a  
31 dance or a play, the owner or responsible management must first consult with the state fire  
32 marshal's designee, in the local fire department, and develop a plan of action for such use. The  
33 proposed event shall only be conducted pursuant to the above plan of action. This exception shall  
34 not apply to any such existing higher education assembly area(s) used generally for commercial  
Page 8

1 purposes such as an arena, restaurant, bar or lounge.

2 (c) Alternatively engineered sprinkler systems, approved by the Fire Safety Code Board  
3 of Appeal and Review, shall be allowed in the retrofitting of an existing place of assembly with

4 sprinklers.

5 (d) All places of assembly with a maximum occupancy of more than three hundred (300)  
6 people shall be fully sprinkled in accordance with the above standards <sup>{delete}</sup> ~~on or before July 1,~~  
~~2005~~ <sup>{delete}</sup>.

7 All "nightclubs" with a posted maximum occupancy of one hundred fifty (150) or more people,  
8 and up to three hundred (300) people shall be fully sprinkled in accordance with the above  
9 standards <sup>{delete}</sup> ~~on or before July 1, 2006. For good cause shown, the above deadlines may be~~  
~~extended~~  
10 ~~by the Fire Safety Code Board of Appeal & Review.~~ <sup>{delete}</sup>

11 (e) The occupancy of any place of assembly without a fire alarm system and/or sprinkler  
12 system <sup>{delete}</sup> ~~after July 1, 2004~~ <sup>{delete}</sup>, shall have its maximum occupancy adjusted by minus ten  
percent

13 <sup>{delete}</sup> ~~for~~ <sup>{delete}</sup> (10%) for the absence of a fire alarm system and minus twenty percent (20%) for the absence

14 of the sprinklers, when fire alarm systems and/or sprinklers are required by law or regulation.

15 Such downward adjustment in occupancy shall be cumulative and shall cease to apply when the  
16 premises are in compliance with requirements for fire alarms systems and sprinklers, and shall  
17 not affect any other requirements of the Fire Safety Code Board of Appeal and Review applicable  
18 to the premises. The ten percent (10%) and twenty percent (20%) reductions in maximum  
19 occupancy, herein set forth, may be waived, in writing, by the state fire marshal, assistant state  
20 fire marshal, deputy state fire marshals, the local fire chief of the jurisdiction in which the place  
21 of assembly is located, or an assistant deputy state fire marshal as designated by the local fire  
22 chief. Provided, however, that the owner or management responsible for the operation of the  
23 facility shall be required to operate said facility under an alternative plan of action for fire safety,  
24 which plan shall require the approval of the state fire marshal, the assistant state fire marshal,  
25 deputy state fire marshals, the local fire chief of the jurisdiction in which the place of assembly is  
26 located, or an assistant deputy state fire marshal as designated by the local fire chief, in order to  
27 qualify for the waiver provided for herein.

28 (f) A place of assembly with an occupancy of one hundred fifty (150) or greater and up  
29 to three hundred (300) may avoid the above occupancy adjustment by requiring a fire fighter to  
30 be on duty during all hours of occupancy. In no event shall the occupancy adjustment to the  
31 firefighter requirement alter the July 1, 2006 deadline for the installation of sprinklers.

32 (g) All places of assembly with an occupancy of less than one hundred fifty (150) shall  
33 use fire retardant paints or other coverings, to a standard acceptable to the Fire Safety Code Board  
34 of Appeal and Review, unless the building has sprinklers by July 1, 2006.

Page 9

1 (h) The provisions of this section, in its entirety, shall not apply to places of worship  
2 except as may be required by the Fire Safety Code Board of Appeal and Review pursuant to  
3 section 23-28.6-24.

4 **23-28.6-22. Nightclubs.** -- Every special amusement building concentrated occupancy  
5 place of assembly nightclub as defined in section 23-28.1-5 shall comply with the following  
6 requirements, consistent with requirements related thereto established by the Fire Safety Code  
7 Board of Appeal and Review and the state fire marshal. All such buildings shall:

8 (1) Have fire alarms that are municipally connected for occupancies of one hundred fifty  
9 (150) or greater <sup>{delete}</sup> ~~and for all Class A and B places of assembly by July 1, 2004~~ <sup>{delete}</sup>. These fire  
alarm

10 systems shall be tested no less than quarterly.

11 (2) Have sprinklers in <sup>{delete}</sup> ~~Class C~~ <sup>{delete}</sup> places of assembly of one hundred fifty (150) or  
greater

12 with an occupancy load of one hundred fifty (150) up to three hundred (300) people <sup>{delete}</sup> ~~by July 1,~~

13 ~~2006~~ and in ~~Class A and B~~ places of assembly with an occupancy load of greater  
14 than three hundred (300) people ~~by July 1, 2005~~; provided, however, that this requirement shall not  
15 apply to fully alarmed buildings used exclusively as places of worship.

16 (3) Have alarm systems sound and upon the actuation of any smoke detector or fire  
17 alarm, have emergency lighting or other appropriate lighting activate, and require that any  
18 conflicting sounds or visuals cease ~~by February 20, 2004~~.

19 (4) Have two (2) fire extinguishers, which shall be at least twenty (20) pounds or such  
20 other size as may be established as appropriate by the Fire Safety Code Board of Appeal and  
21 Review, in each stage area ~~by February 20, 2004~~.

22 (5) Have floor proximity exit signs for all occupancies greater than one hundred fifty  
23 (150) ~~by February 20, 2005~~.

24 (6) Provide an audible announcement of the location of emergency exits prior to each act  
25 or set.

26 (7) Have an emergency plan for the premises, approved by a fire marshal and consistent  
27 with rules established by the Fire Safety Code Board of Appeal a person on duty or a crowd  
28 manager on duty, who has been trained by the fire marshal with regard to the emergency plan and  
29 basic crowd management techniques ~~by October 1, 2004~~. This requirement shall be in  
30 addition to

the requirement for a detail fire fighter.

31 **23-28.6-24. Places of worship.** -- (a) The Fire Safety Code Board of Appeal and Review  
32 shall establish and maintain a subcategory of assembly occupancies for places of worship and  
33 shall, consistent with the provisions of this section, specify code requirements applicable to the  
34 subcategory. Every place of worship as defined in section 23-28.1-5 shall comply with the  
Page 10

1 requirements for places of worship by the Fire Safety Code Board of Appeal and Review and  
2 administered by the state fire marshal. In establishing and maintaining this subcategory, the board  
3 shall give due consideration to the historic level of use as well as to occupant load and shall  
4 provide for separate calculation of occupant loads for sanctuaries and gathering halls and for  
5 distinct requirements for the different areas of the place of worship.

6 (b) Newly constructed places of worship shall comply with the applicable requirements  
7 for new occupancies.

8 (c) Existing places of worship shall comply with requirements established by the Fire  
9 Safety Code Board of Appeal and Review, pursuant to this subsection.

10 (1) The Fire Safety Code Board of Appeal and Review shall adopt reasonable  
11 requirements for fire safety in existing places of worship ~~by July 1, 2007~~, which  
standards shall

12 allow for the continued occupancy and use of the place of worship without undue hardship, with  
13 due consideration for the historic use and operation of the place of worship, unless such continued  
14 use and occupancy would constitute a serious threat to life. Such requirements shall provide that  
15 the place of worship shall have:

16 (i) Adequate egress, including exits, exit signs, and emergency lighting;

17 (ii) Adequate systems for discovery of fire and smoke and for altering occupants  
18 promptly and effectively; and

19 (iii) Adequate fire extinguishers.

20 (2) Existing places of worship shall not be subject to requirements for places of assembly  
21 to install sprinklers in the sanctuary or in other areas unless the state fire marshal, or official in  
22 the office of the state fire marshal designated by the state fire marshal in the capacity of the  
23 authority having jurisdiction, shall determine: (i) that in the absence of sprinklers, there would be

24 a serious threat to life as a result of conditions specific to those areas in the place of worship; or  
25 (ii) that the kitchen of the place of worship is used for cooking food for more than two (2) hours  
26 per week as an annual average, in which case a requirement may be imposed for automatic fire  
27 suppression system in the kitchen. The code requirements applicable to the place of worship shall  
28 be deemed satisfactory purposes of the use of the place of worship or areas thereof by community  
29 members and groups and nonprofit organizations; provided, however, that the use of the place of  
30 worship or a portion thereof for an occupancy for a commercial purpose or for the regular  
31 conduct of an activity or function that requires licensure by the state may be subject to code  
32 requirements for that occupancy.

33 ~~(d) The Fire Safety Code Board of Appeal and Review shall establish a timetable for~~  
34 ~~existing places of worship to comply with the requirements adopted pursuant to subsection (c) of~~  
Page 12

1 ~~this section, which compliance timetable shall commence not sooner than January 1, 2008 and~~  
2 ~~may extend beyond July 1, 2008.~~

3 ~~(e)~~ <sup>{add}</sup> ~~(d)~~ <sup>{add}</sup> The Fire Safety Code Board of Appeal and Review and the state fire  
marshal shall  
4 in establishing, interpreting, administering and enforcing code requirements pertaining to this  
5 subcategory satisfy reasonable requirements for life safety in a manner that does not cause  
6 disproportionate effort or expense and that allows for continued occupancy as places of worship  
7 in buildings and structures where worship is a historic use, provided that any condition that  
8 represents a serious threat to life is mitigated by application of appropriate safeguards, and in so  
9 doing, shall give due consideration in applying the provisions of this paragraph to occupancies  
10 that normally are used by gatherings of less than fifty (50) persons.

11 SECTION 6. Sections 23-28.19-1 and 23-28.19-11 of the General Laws in Chapter 23-  
12 28.19 entitled "Tents-Grandstands-Air-Supported Structures" are hereby amended to read as  
13 follows:

14 **23-28.19-1. Tents for which license required -- Application and issuance.** -- No tent  
15 exceeding ~~one hundred twenty square feet (120 sq. ft.)~~ <sup>{add}</sup> three hundred fifty square feet  
(350 sq. ft.) <sup>{add}</sup>

16 in area shall be erected, maintained, operated, or used in any city or town in this state except  
17 under a license from the licensing authorities of the city or town. The license shall not be issued  
18 for a period exceeding thirty (30) days and shall be revocable for cause. Application shall be  
19 made on proper form and, when deemed necessary by the licensing authorities, shall include  
20 plans drawn to scale, showing exits, aisles, and seating arrangements and details of the structural  
21 support of tent, seats, and platforms, etc. No license shall be issued until the provisions of this  
22 chapter have been complied with, and approval has been obtained from the building department,  
23 the police department, the fire department, and, when tents are to be used for ~~two hundred~~  
~~(200)~~ <sup>{add}</sup> fifty (50) <sup>{add}</sup> or more persons, from each and every department having jurisdiction over places  
24 of  
25 assembly.

26 **23-28.19-11. Smoking regulations.** -- Signs prohibiting smoking shall be prominently  
27 displayed at all entrances and at other locations within any tent used as a place of assembly, so  
28 that they may be clearly visible to all occupants. Frequent announcements regarding the  
29 prohibition shall be made, preferably over a public address system if available. Suitable non-  
30 combustible containers shall be provided at all entrances for the proper disposition of cigar or  
31 cigarette butts and pipe dottle, and ~~a uniformed~~ <sup>{add}</sup> an <sup>{add}</sup> attendant shall be stationed at  
the locations to  
32 advise patrons of the no smoking regulations.

33 SECTION 7. Section 23-28.25-1 of the General Laws in Chapter 23-28.25 entitled "Fire

34 Alarm Systems" is hereby amended to read as follows:

Page 12

- 1 **23-28.25-1. Applicability.** -- All buildings and facilities covered under the Fire Safety  
2 Code and all codes adopted pursuant to the Fire Safety Code, shall be equipped with an approved  
3 fire alarm system installed and maintained in accordance with this chapter and any updated fire  
4 alarm regulations adopted by the Fire Safety Code Board of Appeal & Review. <sup>{delete}</sup>Any building  
5 ~~that~~  
6 ~~is not a place of assembly, that is required to be equipped with a fire alarm system pursuant to the~~  
7 ~~Rhode Island Fire Safety Code, shall be so equipped on or before July 1, 2005.~~ <sup>{delete}</sup>  
SECTION 8. This act shall take effect upon passage.

	MOTION: To find beneficial 2014 H 7875 An Act Relating to Health and Safety -- Comprehensive Fire Safety Act Motion moved by AP, seconded by EG, passed unanimously
	2014 S 2591 An Act Relating to Motor and Other Vehicles - Miscellaneous Rules
	Sen. Archambault in Senate Judiciary Committee This act would prohibit the use of personal wireless communication devices, in lieu of cell phones, while driving a motor vehicle, or school bus. This act would align state law with federal guidelines. This act would take effect upon passage.

- 1 SECTION 1. Sections 31-22-11.8, 31-22-11.9 and 31-22-30 of the General Laws in  
2 Chapter 31-22 entitled "Miscellaneous Rules" are hereby amended to read as follows:  
3 **31-22-11.8.** <sup>{delete}</sup>~~Unauthorized use of cell phones on school bus~~ <sup>{delete}</sup> <sup>{add}</sup>**Unauthorized use**  
4 **of**  
5 **personal wireless communication devices on a school bus.** <sup>{add}</sup> - (a) The use of a <sup>{delete}</sup>cell  
6 ~~phone~~ <sup>{delete}</sup>  
7 **personal wireless communications device** by a school bus driver shall be prohibited, while the bus  
8 is transporting children except in the case of an emergency.  
9 (b) Any person who violates any of the provisions of subsection (a) of this section shall,  
10 upon conviction, be punished by a fine of fifty dollars (\$50.00).  
11 (c) For a subsequent conviction under this section a person shall be punished by a fine  
12 of fifty dollars (\$50.00).  
13 (d) If any civil action is brought as a result of a violation of this section, the violation  
14 shall be evidence on negligence.  
15 **31-22-11.9.** <sup>{delete}</sup>~~Use of cell phones by minors while operating motor vehicles~~  
16 ~~prohibited~~ <sup>{delete}</sup>  
17 <sup>{add}</sup>**Use of personal wireless communications devices by minors while operating motor**  
18 **vehicles**  
19 **is prohibited.** <sup>{add}</sup> - (a) The use of a <sup>{delete}</sup>cell phone <sup>{delete}</sup> <sup>{add}</sup>**personal wireless communication**  
20 **device** <sup>{add}</sup> by a minor  
21 while said minor is operating a motor vehicle shall be prohibited, except in the case of an  
22 emergency. For purposes of this section, the term "minor" shall include any person less than  
23 eighteen (18) years of age.  
24 (b) Any person who violates any of the provisions of subsection (a) of this section shall,  
25 upon conviction, be punished by a fine of fifty dollars (\$50.00).  
26 (c) For a second conviction under this section a person shall be punished by a fine of  
27 fifty dollars (\$50.00).  
28 (d) For a third or subsequent conviction a person shall be punished by a fine of on

5 hundred dollars (\$100) and/or loss of license until the user reaches his/her eighteenth (18th)  
6 birthday.

7 **31-22-30. Text messaging while operating a motor vehicle.** – (a) For purposes of this  
8 section, the following terms shall have the following meanings:

9 <sup>{add}</sup> (1) “Driving” means operating a motor vehicle on a public road, including operation  
10 while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise, but does  
11 not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an  
12 active roadway and has stopped in a location where it can safely remain stationary.<sup>{add}</sup>

13 ~~(1)~~<sup>{add}</sup> (2) <sup>{add}</sup> “Hands Free” means the manner in which a wireless handset is  
operated for the  
14 purpose of composing, reading or sending text messages, by using an internal feature or function,  
15 or through an attachment or addition, including but not limited to, an earpiece, headset, remote  
16 microphone or short range wireless connection, thereby allowing the user to operate said device  
17 without the use of hands.

18 ~~(2)~~<sup>{add}</sup> (3) <sup>{add}</sup> “Inoperability” means a motor vehicle that is incapable of being  
operated or being  
19 operated in a safe and prudent manner due to mechanical failure, including but not limited to,  
20 engine overheating or tire failure.

21 ~~(3)~~<sup>{add}</sup> (4) <sup>{add}</sup> “Motor Vehicle” means any vehicle that is self-propelled by a motor,  
including  
22 but not limited to, automobiles, trucks, vans, construction vehicles, etc.

23 ~~(4)~~<sup>{add}</sup> (5) <sup>{add}</sup> “Person” means any natural person, corporation, unincorporated  
association, firm,

24 partnership, joint venture, joint stock association or other entity or business organization of any  
25 kind.

26 <sup>{add}</sup> (6) “Personal wireless communication device” means a device through which personal  
27 wireless services (commercial mobile services, unlicensed wireless services, and common carrier  
28 wireless exchange access services) are transmitted, but does not include a global navigation  
29 satellite receiver used for positioning, emergency notification, or navigation purposes.<sup>{add}</sup>

30 ~~(5)~~<sup>{add}</sup> (7) <sup>{add}</sup> “Stopped” means not in motion.

31 ~~(7)~~<sup>{add}</sup> (8) <sup>{add}</sup> “Text Message”, also referred to as short messaging service (SMS)  
means the

32 process by which users send, read, or receive messages on a wireless handset, including but not  
33 limited to, text messages, instant messages, electronic messages or e-mails, in order to  
34 communicate with any person or device.

LC004252 - Page 2 of 3

1 ~~(8)~~<sup>{add}</sup> (9) <sup>{add}</sup> “Use” means to hold a wireless handset in one's hands.

2 ~~(9)~~<sup>{add}</sup> (10) <sup>{add}</sup> “Wireless Handset” means a portable electronic or computing  
device, including

3 cellular telephones and digital personal assistants (PDAs), capable of transmitting data in the  
4 form of a text message.

5 (b) No person shall use a wireless handset <sup>{add}</sup> or personal wireless communication device<sup>{add}</sup>  
6 to compose, read or send text messages while ~~operating~~<sup>{add}</sup> driving<sup>{add}</sup> a motor vehicle  
on any public

7 street or public highway within the state of Rhode Island.

8 (c) Notwithstanding the provisions of subsection (b), this section shall not be construed  
9 to prohibit the use of any wireless handset <sup>{add}</sup> or personal wireless communication device<sup>{add}</sup> by:

10 (1) Any law enforcement, public safety or police officers, emergency services officials,  
11 first aid, emergency medical technicians and personnel, and fire safety officials in the  
12 performance of duties arising out of and in the course of their employment as such;

13 (2) A person using a wireless handset or wireless device to contact an individual listed  
14 in subsection (c) (1); or

15 (3) A person using a wireless handset <sup>{add}</sup>or personal wireless communication device <sup>{add}</sup>  
inside

16 a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the  
17 flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the  
18 inoperability of such motor vehicle.

19 (d) Nothing in this section shall be construed to prohibit a person <sup>{delete}</sup>operating <sup>{delete}</sup>  
<sup>{add}</sup>driving <sup>{add}</sup> a

20 motor vehicle from utilizing a hands-free wireless handset.

21 (e) Any person who violates any of the provisions of this section shall, upon conviction,  
22 be subject to a fine of eighty-five dollars (\$85.00); for a second conviction shall be subject to a  
23 fine of one hundred dollars (\$100); and for a third or subsequent conviction a person shall be  
24 subject to a fine of one hundred twenty-five dollars (\$125). All violations arising out of this  
25 section shall be heard in the Rhode Island Traffic Tribunal.

26 SECTION 2. This act shall take effect upon passage.

	<b>MOTION: To find beneficial 2014 S 2591 An Act Relating to Motor and Other Vehicles - Miscellaneous Rules</b> Motion moved by MS, seconded by CG, passed unanimously
	<b>2014 S 2631 An Act Relating to Motor and Other Vehicles - Motor Vehicle Offenses</b>
	Sen. Sosnowski Requested by the Attorney General in Senate Judiciary Committee This act would extend the "look back" period for third and subsequent offenses under the driving under the influence of liquor or drugs law (section 31-27-2) and the refusal to submit to a chemical test law (section 31-27-2.1) from five (5) years to ten (10) years.

1 SECTION 1. Sections 31-27-2 and 31-27-2.1 of the General Laws in Chapter 31-27  
2 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

3 **31-27-2. Driving under influence of liquor or drugs.** -- (a) Whoever drives or  
4 otherwise operates any vehicle in the state while under the influence of any intoxicating liquor,  
5 drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any  
6 combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3)  
7 and shall be punished as provided in subsection (d) of this section.

Page 2

31 (d) (1) (i) Every person found to have violated subdivision (b)(1) of this section shall be  
32 sentenced as follows: for a first violation whose blood alcohol concentration is eight one-  
33 hundredths of one percent (.08%) but less than one-tenth of one percent (.1%) by weight or who  
34 has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2) shall

Page 3

1 be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred  
2 dollars (\$300), shall be required to perform ten (10) to sixty (60) hours of public community  
3 restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit  
4 of the adult correctional institutions in the discretion of the sentencing judge and/or shall be  
5 required to attend a special course on driving while intoxicated or under the influence of a  
6 controlled substance; provided, however, that the court may permit a servicemember or veteran to  
7 complete any court-approved counseling program administered or approved by the Veterans'  
8 Administration, and his or her driver's license shall be suspended for thirty (30) days up to one  
9 hundred eighty (180) days.

28 (3) (i) Every person convicted of a third or subsequent violation within a <sup>{delete}</sup>five (5)<sup>{delete}</sup>  
<sup>{add}</sup>ten (10)<sup>{add}</sup>  
29 year period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or  
30 above but less than fifteen hundredths of one percent (.15%) or whose blood alcohol  
31 concentration is unknown or who has a blood presence of any scheduled controlled substance as  
32 defined in subdivision (b)(2) regardless of whether any prior violation and subsequent conviction  
33 was a violation and subsequent conviction under this statute or under the driving under the  
34 influence of liquor or drugs statute of any other state, shall be guilty of a felony and be subject to

1 a mandatory fine of four hundred (\$400) dollars. The person's driving license shall be suspended  
2 for a period of two (2) years to three (3) years, and the individual shall be sentenced to not less  
3 than one year and not more than three (3) years in jail. The sentence may be served in any unit of  
4 the adult correctional institutions in the discretion of the sentencing judge; however, not less than  
5 forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall  
6 require alcohol or drug treatment for the individual; provided, however, that the court may permit  
7 a service member or veteran to complete any court-approved counseling program administered or  
8 approved by the Veterans' Administration, and may prohibit that person from operating a motor  
9 vehicle that is not equipped with an ignition interlock system for a period of two (2) years  
10 following the completion of the sentence as provided in section 31-27-2.8.

11 (ii) Every person convicted of a third or subsequent violation within a <sup>{delete}</sup>five (5)<sup>{delete}</sup> <sup>{add}</sup>ten  
<sup>{add}</sup>(10)<sup>{add}</sup>  
12 year period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above  
13 by weight as shown by a chemical analysis of a blood, breath, or urine sample or who is under the  
14 influence of a drug, toluene or any controlled substance as defined in subdivision (b)(1) shall be  
15 subject to mandatory imprisonment of not less than three (3) years nor more than five (5) years, a  
16 mandatory fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars  
17 (\$5,000) and a mandatory license suspension for a period of three (3) years from the date of  
18 completion of the sentence imposed under this subsection.

19 (iii) In addition to the foregoing penalties, every person convicted of a third or  
20 subsequent violation within a <sup>{delete}</sup>five (5)<sup>{delete}</sup> <sup>{add}</sup>ten (10)<sup>{add}</sup> year period regardless of whether  
any prior  
21 violation and subsequent conviction was a violation and subsequent conviction under this statute  
22 or under the driving under the influence of liquor or drugs statute of any other state shall be  
23 subject, in the discretion of the sentencing judge, to having the vehicle owned and operated by the  
24 violator seized and sold by the state of Rhode Island, with all funds obtained by the sale to be  
25 transferred to the general fund.

1 **31-27-2.1. Refusal to submit to chemical test.** -- (a) Any person who operates a motor  
2 vehicle within this state shall be deemed to have given his or her consent to chemical tests of his  
3 or her breath, blood, and/or urine for the purpose of determining the chemical content of his or  
4 her body fluids or breath. No more than two (2) complete tests, one for the presence of  
5 intoxicating liquor and one for the presence of toluene or any controlled substance, as defined in  
6 section 21-28-1.02(7), shall be administered at the direction of a law enforcement officer having  
7 reasonable grounds to believe the person to have been driving a motor vehicle within this state  
8 while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined  
9 in chapter 28 of title 21, or any combination of these. The director of the department of health is  
10 empowered to make and file with the secretary of state, regulations which prescribe the  
11 techniques and methods of chemical analysis of the person's body fluids or breath and the  
12 qualifications and certification of individuals authorized to administer the testing and analysis.

13 (b) If a person for religious or medical reasons cannot be subjected to blood tests, the  
14 person may file an affidavit with the division of motor vehicles stating the reasons why he or she  
15 cannot be required to take blood tests, and a notation to this effect shall be made on his or her  
16 license. If that person is asked to submit to chemical tests as provided under this chapter, the  
17 person shall only be required to submit to chemical tests of his or her breath or urine. When a  
18 person is requested to submit to blood tests, only a physician or registered nurse or a medical  
19 technician certified under regulations promulgated by the director of the department of health  
20 may withdraw blood for the purpose of determining the alcoholic content in it. This limitation  
21 shall not apply to the taking of breath or urine specimens. The person tested shall be permitted to  
22 have a physician of his or her own choosing and at his or her own expense administer chemical  
23 tests of his or her breath, blood, and/or urine in addition to the tests administered at the direction  
24 of a law enforcement officer. If a person having been placed under arrest refuses upon the request  
25 of a law enforcement officer to submit to the tests, as provided in section 31-27-2, none shall be  
26 given, but a judge of the traffic tribunal or district court judge, upon receipt of a report of a law  
27 enforcement officer: that he or she had reasonable grounds to believe the arrested person had  
28 been driving a motor vehicle within this state under the influence of intoxicating liquor, toluene,  
29 or any controlled substance, as defined in chapter 28 of title 21, or any combination of these; that  
30 the person had been informed of his or her rights in accordance with section 31-27-3; that the  
31 person had been informed of the penalties incurred as a result of noncompliance with this section;  
32 and that the person had refused to submit to the tests upon the request of a law enforcement  
33 officer; shall promptly order that the person's operator's license or privilege to operate a motor  
34 vehicle in this state be immediately suspended and that the person's license be surrendered within

Page 10

1 five (5) days of notice of suspension. A traffic tribunal judge or a district court judge pursuant to  
2 the terms of subsection (c) of this section shall order as follows:

3 (1) Impose for the first violation a fine in the amount of two hundred dollars (\$200) to  
4 five hundred dollars (\$500) and shall order the person to perform ten (10) to sixty (60) hours of  
5 public community restitution. The person's driving license in this state shall be suspended for a  
6 period of six (6) months to one year. The traffic tribunal judge shall require attendance at a  
7 special course on driving while intoxicated or under the influence of a controlled substance and/or  
8 alcohol or drug treatment for the individual.

9 (2) Every person convicted for a second violation within a five (5) year period shall be  
10 guilty of a misdemeanor, shall be imprisoned for not more than six (6) months and shall pay a  
11 fine in the amount of six hundred dollars (\$600) to one thousand dollars (\$1,000), order the  
12 person to perform sixty (60) to one hundred (100) hours of public community restitution, and the  
13 person's driving license in this state shall be suspended for a period of one year to two (2) years.  
14 The judge shall require alcohol and/or drug treatment for the individual.

15 (3) Every person convicted for a third or subsequent violation within a <sup>{delete}</sup>five (5)<sup>{delete}</sup> <sup>{add}</sup>ten

<sup>{add}</sup>(10) <sup>{add}</sup>  
16 year period shall be guilty of a misdemeanor and shall be imprisoned for not more than one year,  
17 fined eight hundred dollars (\$800) to one thousand dollars (\$1,000), order the person to perform  
18 not less than one hundred (100) hours of public community restitution, and the person's operator's  
19 license in this state shall be suspended for a period of two (2) years to five (5) years. The judge  
20 shall require alcohol or drug treatment for the individual. Provided, that prior to the reinstatement  
21 of a license to a person charged with a third or subsequent violation within a three (3) year period,  
22 a hearing shall be held before a judge. At the hearing the judge shall review the person's driving  
23 record, his or her employment history, family background, and any other pertinent factors that  
24 would indicate that the person has demonstrated behavior which warrants the reinstatement of his  
25 or her license.

Page 11

	<p><b>MOTION: To find beneficial 2014 S 2631 An Act Relating to Motor and Other Vehicles - Motor Vehicle Offenses</b> Motion moved by RC, seconded by AP, passed unanimously</p>
	<p><b>2014 S 2646 An Act Relating to Motor and Other Vehicles - Motor Vehicle Offenses</b></p>
	<p>Sen. Sosnowski Requested by the Attorney General in Senate Judiciary Committee This act would increase imprisonment penalties for driving so as to endanger, resulting in death and driving so as to endanger resulting in personal injury. This act would also create a new criminal offense of driving under the influence resulting in personal injury. This act would take effect upon passage.</p>

1 SECTION 1. Sections 31-27-1, 31-27-1.1, 31-27-2.2 and 31-27-2.6 of the General Laws  
2 in Chapter 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

3 **31-27-1. Driving so as to endanger, resulting in death. --** (a) When the death of any  
4 person ensues as a proximate result of an injury received by the operation of any vehicle in  
5 reckless disregard of the safety of others, including violations of section 31-27-22, the person so  
6 operating the vehicle shall be guilty of "driving so as to endanger, resulting in death".

7 (b) Any person charged with the commission of this offense shall upon conviction be  
8 imprisoned for not more than <sup>{delete}</sup>ten (10)<sup>{delete}</sup><sup>{add}</sup>twenty (20)<sup>{add}</sup> years and have his or her  
9 license to operate a

9 motor vehicle suspended for no more than five (5) years.

10 **31-27-1.1. Driving so as to endanger, resulting in personal injury. --** (a) When the  
11 serious bodily injury of any person ensues as a proximate result of the operation of any vehicle in  
12 reckless disregard of the safety of others, including violations of section 31-27-22, the person so  
13 operating the vehicle shall be guilty of "driving so as to endanger, resulting in serious bodily  
14 injury".

15 (b) "Serious bodily injury" means physical injury that creates a substantial risk of death  
16 or causes serious permanent disfigurement or protracted loss or impairment of the function of any  
17 bodily member or organ.

18 (c) Any person charged with a violation of this section shall upon conviction be  
19 imprisoned for not more than <sup>{delete}</sup>five (5)<sup>{delete}</sup><sup>{add}</sup>ten (10)<sup>{add}</sup> years and have his or her license  
to operate a motor

Page 2

1 vehicle suspended for no more than three (3) years.

2 **31-27-2.2. Driving under the influence of liquor or drugs, resulting in death. --** (a)  
3 When the death of any person other than the operator ensues as a proximate result of an injury  
4 received by the operation of any vehicle, the operator of which is under the influence of any  
5 intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or  
6 any combination of these, the person so operating the vehicle shall be guilty of "driving under the  
7 influence of liquor or drugs, resulting in death".

8 (b) Any person charged with the commission of the offense set forth in subsection (a) of  
9 this section shall, upon conviction, be punished <sup>{delete}</sup>as follows:

10 ~~(1)(i) Every person convicted of a first violation shall be punished~~<sup>{delete}</sup> by imprisonment in  
11 the state prison for not less than five (5) years and for not more than ~~fifteen (15)~~<sup>{add}</sup>thirty (30)<sup>{add}</sup>  
years,

12 in any unit of the adult correctional institutions in the discretion of the sentencing judge, by a fine  
13 of not less than five thousand dollars (\$5,000) nor more than ~~ten thousand dollars (\$10,000)~~<sup>{delete}</sup>

14 <sup>{add}</sup> twenty thousand dollars (\$20,000)<sup>{add}</sup> and his or her license to operate a motor vehicle shall be  
15 revoked for a period of five (5) <sup>{delete}</sup> ~~years to ten (10) years~~<sup>{delete}</sup>. The license privilege shall not be  
16 reinstated until evidence satisfactory to the administrator of the division of motor vehicles  
17 establishes that no grounds exist which would authorize the refusal to issue a license, and until  
18 the person gives proof of financial responsibility pursuant to chapter 32 of this title.

19 (ii) In addition, the person convicted may be required to successfully complete alcohol or  
20 drug treatment in a program of their choice, at their own expense, as authorized by a judge of the  
21 superior court, and may successfully complete the program before any license to operate a motor  
22 vehicle is renewed.

23 <sup>{delete}</sup> ~~(2) Every person convicted of a second or subsequent violation within a five (5) year  
24 period in this state or any other state, provided the out-of-state conviction was based on the same  
25 blood alcohol concentration as set forth in section 31-27-2 shall be punished by imprisonment in  
26 the state prison for not less than ten (10) years and for not more than twenty (20) years, in any  
27 unit of the adult correctional institutions in the discretion of the sentencing judge, by a fine of not  
28 less than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000) and his  
29 or her license to operate a motor vehicle shall be revoked for a period of five (5) years. In  
30 addition, the person convicted may be required to successfully complete alcohol or drug  
31 treatment, at their own expense, in a program established by the director of the department of  
32 corrections. The license privilege shall not be reinstated whether the convictions occurred in this  
33 or any other state until evidence satisfactory to the superior court, following a hearing establishes  
34 that no grounds exist which would authorize the refusal to issue a license, and until the person~~

Page 3

1 ~~gives proof of financial responsibility pursuant to chapter 32 of this title.~~<sup>{delete}</sup>

2 **31-27-2.6. Driving under the influence of liquor or drugs, resulting in serious bodily**  
3 **injury.** -- (a) When serious bodily injury of any person other than the operator is caused by the

4 operation of any motor vehicle, the operator of which is under the influence of any intoxicating  
5 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination  
6 of these, the person so operating the vehicle shall be guilty of driving under the influence of  
7 liquor or drugs, resulting in serious bodily injury.

8 (b) As used in this section, "serious bodily injury" means physical injury that creates a  
9 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment  
10 of the function of any bodily member or organ.

11 (c) Any person charged with the commission of the offense set forth in subsection (a) of  
12 this section shall, upon conviction, be punished by imprisonment for not less than one year and  
13 for not more than <sup>{delete}</sup> ~~ten (10)~~<sup>{delete}</sup> <sup>{add}</sup> twenty (20)<sup>{add}</sup> years and by a fine of not less than one  
thousand dollars

14 (\$1,000) nor more than <sup>{delete}</sup> ~~five thousand dollars (\$5,000)~~<sup>{delete}</sup> <sup>{add}</sup> ten thousand dollars  
(\$10,000)<sup>{add}</sup>. The

15 sentencing judge shall have the discretion to sentence the person to any unit of the adult  
16 correctional institutions. The license of the person may be revoked for a period of <sup>{delete}</sup> ~~up to two~~<sup>{delete}</sup>

17 <sup>{delete}</sup> ~~(2)~~<sup>{delete}</sup> <sup>{add}</sup> three (3) to five (5)<sup>{add}</sup> years. The license privilege shall not be reinstated until evidence  
satisfactory

18 to the administrator of the division of motor vehicles establishes that no grounds exist which  
19 would authorize refusal to issue a license and until the person gives proof of financial  
20 responsibility pursuant to chapter 32 of this title. In addition, the person convicted may be  
21 required to successfully complete alcohol or drug treatment, at their own expense, in a program  
22 established by the director of the department of corrections.

23 <sup>{delete}</sup> ~~(d) For a second or subsequent conviction under this section within a five (5) year~~  
24 ~~period, a person shall be punished by imprisonment for not less than two (2) years nor more than~~

25 ~~fifteen (15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten~~  
 26 ~~thousand dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person~~  
 27 ~~to any unit of the adult correctional institutions. In addition, the person convicted may be required~~  
 28 ~~to successfully complete alcohol or drug treatment, at their own expense, in a program established~~  
 29 ~~by the director of the department of corrections. The license of the person may be revoked for a~~  
 30 ~~period of up to four (4) years. The license privilege shall not thereafter be reinstated until~~  
 31 ~~evidence satisfactory to the administrator of the division of motor vehicles establishes that no~~  
 32 ~~grounds exist which would authorize refusal to issue a license and until the person gives proof of~~  
 33 ~~financial responsibility pursuant to chapter 32 of this title.~~<sup>{delete}</sup>

34 SECTION 2. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is  
 Page 4

1 hereby amended by adding thereto the following section:

2 <sup>{add}</sup> **31-27-2.10. Driving under the influence of liquor or drugs, resulting in personal**  
 3 **injury.** -- (a) When the personal injury of any person other than the operator is caused by the  
 4 operation of any motor vehicle, the operator of which is under the influence of any intoxicating  
 5 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination  
 6 of these, the person so operating the vehicle shall be guilty of driving under the influence of  
 7 liquor or drugs, resulting in personal injury.

8 (b) Any person charged with a violation of this section shall, upon conviction, be  
 9 imprisoned for not more than three (3) years and have his or her license to operate a motor  
 10 vehicle suspended for not more than one year.<sup>{add}</sup>

11 SECTION 3. This act shall take effect upon passage.

	<p><b>MOTION: To find beneficial 2014 S 2646 An Act Relating to Motor and Other Vehicles - Motor Vehicle Offenses</b>          Motion moved by RC, seconded by EG, passed unanimously</p>
	<p><b>2014 S 2678 An Act Relating to Motor and Other Vehicles - Motor Vehicle Offenses</b></p>
	<p>Sen. Paiva Weed in Senate Judiciary Committee          This act would increase the fines for the use of a cell phone by a minor while operating a motor vehicle and would increase the fines for texting while operating a motor vehicle.          This act would take effect upon passage.</p>

1 SECTION 1. Sections 31-22-11.9 and 31-22-30 of the General Laws in Chapter 31-22  
 2 entitled "Miscellaneous Rules" are hereby amended to read as follows:

3 **31-22-11.9. Use of cell phones by minors while operating motor vehicles prohibited.** -

4 (a) The use of a cell phone by a minor while said minor is operating a motor vehicle shall be  
 5 prohibited, except in the case of an emergency. For purposes of this section, the term "minor"  
 6 shall include any person less than eighteen (18) years of age.

7 (b) Any person who violates any of the provisions of subsection (a) of this section shall,  
 8 upon conviction, be punished by a fine of <sup>{delete}</sup> ~~fifty dollars (\$50.00)~~ <sup>{delete}</sup> <sup>{add}</sup> one hundred dollars  
 9 (\$100)<sup>{add}</sup>.

9 (c) For a second conviction under this section a person shall be punished by a fine of  
 10 <sup>{delete}</sup> ~~fifty dollars (\$50.00)~~ <sup>{delete}</sup> <sup>{add}</sup> one hundred fifty dollars (\$150)<sup>{add}</sup>.

11 (d) For a third or subsequent conviction a person shall be punished by a fine of <sup>{delete}</sup> ~~one~~  
 12 ~~hundred dollars (\$100)~~ <sup>{delete}</sup> <sup>{add}</sup> two hundred and fifty dollars (\$250)<sup>{add}</sup> and/or loss of license  
 13 until the user

13 reaches his/her eighteenth (18th) birthday.

14 **31-22-30. Text messaging while operating a motor vehicle.** -- (a) For purposes of this  
 15 section, the following terms shall have the following meanings:

16 (1) "Hands Free" means the manner in which a wireless handset is operated for the  
17 purpose of composing, reading or sending text messages, by using an internal feature or function,  
18 or through an attachment or addition, including but not limited to, an earpiece, headset, remote  
19 microphone or short range wireless connection, thereby allowing the user to operate said device  
Page 2

1 without the use of hands.

2 (2) "Inoperability" means a motor vehicle that is incapable of being operated or being  
3 operated in a safe and prudent manner due to mechanical failure, including but not limited to,  
4 engine overheating or tire failure.

5 (3) "Motor Vehicle" means any vehicle that is self-propelled by a motor, including but  
6 not limited to, automobiles, trucks, vans, construction vehicles, etc.

7 (4) "Person" means any natural person, corporation, unincorporated association, firm,  
8 partnership, joint venture, joint stock association or other entity or business organization of any  
9 kind.

10 (5) "Stopped" means not in motion.

11 (6) "Text Message", also referred to as short messaging service (SMS) means the process  
12 by which users send, read, or receive messages on a wireless handset, including but not limited to,  
13 text messages, instant messages, electronic messages or e-mails, in order to communicate with  
14 any person or device.

15 (7) "Use" means to hold a wireless handset in one's hands.

16 (8) "Wireless Handset" means a portable electronic or computing device, including  
17 cellular telephones and digital personal assistants (PDAs), capable of transmitting data in the  
18 form of a text message.

19 (b) No person shall use a wireless handset to compose, read or send text messages while  
20 operating a motor vehicle on any public street or public highway within the state of Rhode Island.

21 (c) Notwithstanding the provisions of subsection (b), this section shall not be construed  
22 to prohibit the use of any wireless handset by:

23 (1) Any law enforcement, public safety or police officers, emergency services officials,  
24 first aid, emergency medical technicians and personnel, and fire safety officials in the  
25 performance of duties arising out of and in the course of their employment as such;

26 (2) A person using a wireless handset to contact an individual listed in subsection (c)(1);  
27 or

28 (3) A person using a wireless handset inside a motor vehicle while such motor vehicle is  
29 parked, standing or stopped and is removed from the flow of traffic, in accordance with  
30 applicable laws, rules or ordinances, or is stopped due to the inoperability of such motor vehicle.

31 (d) Nothing in this section shall be construed to prohibit a person operating a motor  
32 vehicle from utilizing a hands-free wireless handset.

33 (e) Any person who violates any of the provisions of this section shall, upon conviction,  
34 be subject to a fine of <sup>{delete}</sup> ~~eighty-five dollars (\$85.00)~~ <sup>{delete} {add}</sup> one hundred dollars (\$100) <sup>{add}</sup>,  
or a license

Page 3

1 suspension for up to thirty (30) days, or both; for a second conviction shall be subject to a fine of  
<sup>{delete}</sup> ~~one hundred dollars (\$100)~~ <sup>{delete} {add}</sup> one hundred fifty dollars (\$150) <sup>{add}</sup>, or a license  
2 suspension for up to

3 three (3) months, or both; and for a third or subsequent conviction a person shall be subject to a  
4 fine of <sup>{delete}</sup> ~~one hundred twenty-five dollars (\$125)~~ <sup>{delete} {add}</sup> two hundred fifty dollars (\$250) <sup>{add}</sup>,  
or a license

5 suspension for up to six (6) months, or both. All violations arising out of this section shall be  
6 heard in the Rhode Island Traffic Tribunal.

7 SECTION 2. This act shall take effect upon passage.

	<p><b>MOTION: To find beneficial S 2678 An Act Relating to Motor and Other Vehicles - Motor Vehicle Offenses</b>  Motion moved by RC, seconded by CG, passed unanimously</p>
	<p><b>Medicaid</b></p>
	<p><b>2014 S 2583 &amp; H 7732 Acts Relating to Human Services - Medical Assistance - Long-Term Care Service and Finance</b></p>
	<p>Sen. Doyle in Senate Finance Committee  Rep. Ferri in House Finance Committee  This act would provide for an increase in the reimbursement rate for Medicaid home nursing care providers, Medicaid adult day health centers and Medicaid home behavioral healthcare service providers, by requiring a prospective base adjustment across all departments and programs of ten (10%) percent of the existing base rate, developing rate enhancements for complex adult day participants and providing for annual adjustments to the reimbursement rates by a percentage amount equal to the change in a national long-term care inflation index beginning on October 1, 2015.  This act would take effect upon passage.</p>

1 WHEREAS, Medicaid home nursing care providers have not received a reimbursement  
2 rate increase in the past six (6) consecutive years; and  
3 WHEREAS, Medicaid adult day health centers have not received a reimbursement rate  
4 increase in the past six (6) consecutive years; and  
5 WHEREAS, Medicaid home behavioral healthcare service providers have not received a  
6 reimbursement rate increase in the past twelve (12) years; and  
7 WHEREAS, Adult day health centers provide care and services to increasingly acute and  
8 frail individuals; and  
9 WHEREAS, Home health and adult day service providers have faced increasing  
10 operational costs, such as insurance, utilities, and compliance with the Affordable Care Act; and  
11 WHEREAS, Adequate financial support of home healthcare services and adult day health  
12 services through the state's Integrated Care Initiative will potentially save the state significant  
13 dollars by allowing more of its elderly and disabled citizens to live at home and in the community  
14 instead of facility-based care and frequent hospitalization.  
15 SECTION 1. Section 40-8.9-9 of the General Laws in Chapter 40-8.9 entitled "Medical  
16 Assistance - Long-Term Care Service and Finance Reform" is hereby amended to read as  
17 follows:

18 **40-8.9-9. Long-term care re-balancing system reform goal.** -- (a) Notwithstanding any  
Page 2  
1 other provision of state law, the department of human services is authorized and directed to apply  
2 for and obtain any necessary waiver(s), waiver amendment(s) and/or state plan amendments from  
3 the secretary of the United States department of health and human services, and to promulgate  
4 rules necessary to adopt an affirmative plan of program design and implementation that addresses  
5 the goal of allocating a minimum of fifty percent (50%) of Medicaid long-term care funding for  
6 persons aged sixty-five (65) and over and adults with disabilities, in addition to services for  
7 persons with developmental disabilities and mental disabilities, to home and community-based  
8 care on or before December 31, 2013; provided, further, the executive office of health and human  
9 services shall report annually as part of its budget submission, the percentage distribution  
10 between institutional care and home and community-based care by population and shall report  
11 current and projected waiting lists for long-term care and home and community-based care  
12 services. The department is further authorized and directed to prioritize investments in home and  
13 community-based care and to maintain the integrity and financial viability of all current long-

14 term care services while pursuing this goal.

15 (b) The reformed long-term care system re-balancing goal is person-centered and  
16 encourages individual self-determination, family involvement, interagency collaboration, and  
17 individual choice through the provision of highly specialized and individually tailored home-  
18 based services. Additionally, individuals with severe behavioral, physical, or developmental  
19 disabilities must have the opportunity to live safe and healthful lives through access to a wide  
20 range of supportive services in an array of community-based settings, regardless of the  
21 complexity of their medical condition, the severity of their disability, or the challenges of their  
22 behavior. Delivery of services and supports in less costly and less restrictive community settings,  
23 will enable children, adolescents and adults to be able to curtail, delay or avoid lengthy stays in  
24 long-term care institutions, such as behavioral health residential treatment facilities, long-term  
25 care hospitals, intermediate care facilities and/or skilled nursing facilities.

26 (c) Pursuant to federal authority procured under section 42-7.2-16 of the general laws,  
27 the department of human services is directed and authorized to adopt a tiered set of criteria to be  
28 used to determine eligibility for services. Such criteria shall be developed in collaboration with  
29 the state's health and human services departments and, to the extent feasible, any consumer group,  
30 advisory board, or other entity designated for such purposes, and shall encompass eligibility  
31 determinations for long-term care services in nursing facilities, hospitals, and intermediate care  
32 facilities for the mentally retarded as well as home and community-based alternatives, and shall  
33 provide a common standard of income eligibility for both institutional and home and community-  
34 based care. The department is, subject to prior approval of the general assembly, authorized to

Page 3

1 adopt criteria for admission to a nursing facility, hospital, or intermediate care facility for the  
2 mentally retarded that are more stringent than those employed for access to home and  
3 community-based services. The department is also authorized to promulgate rules that define the  
4 frequency of re-assessments for services provided for under this section. Legislatively approved  
5 levels of care may be applied in accordance with the following:

6 (1) The department shall apply pre-waiver level of care criteria for any Medicaid  
7 recipient eligible for a nursing facility, hospital, or intermediate care facility for the mentally  
8 retarded as of June 30, 2009, unless the recipient transitions to home and community based  
9 services because he or she: (a) Improves to a level where he/she would no longer meet the pre-  
10 waiver level of care criteria; or (b) The individual chooses home and community based services  
11 over the nursing facility, hospital, or intermediate care facility for the mentally retarded. For the  
12 purposes of this section, a failed community placement, as defined in regulations promulgated by  
13 the department, shall be considered a condition of clinical eligibility for the highest level of care.  
14 The department shall confer with the long-term care ombudsperson with respect to the  
15 determination of a failed placement under the ombudsperson's jurisdiction. Should any Medicaid  
16 recipient eligible for a nursing facility, hospital, or intermediate care facility for the mentally  
17 retarded as of June 30, 2009 receive a determination of a failed community placement, the  
18 recipient shall have access to the highest level of care; furthermore, a recipient who has  
19 experienced a failed community placement shall be transitioned back into his or her former  
20 nursing home, hospital, or intermediate care facility for the mentally retarded whenever possible.  
21 Additionally, residents shall only be moved from a nursing home, hospital, or intermediate care  
22 facility for the mentally retarded in a manner consistent with applicable state and federal laws.

23 (2) Any Medicaid recipient eligible for the highest level of care who voluntarily leaves a  
24 nursing home, hospital, or intermediate care facility for the mentally retarded shall not be subject  
25 to any wait list for home and community based services.

26 (3) No nursing home, hospital, or intermediate care facility for the mentally retarded  
27 shall be denied payment for services rendered to a Medicaid recipient on the grounds that the  
28 recipient does not meet level of care criteria unless and until the department of human services

29 has: (i) performed an individual assessment of the recipient at issue and provided written notice to  
30 the nursing home, hospital, or intermediate care facility for the mentally retarded that the  
31 recipient does not meet level of care criteria; and (ii) the recipient has either appealed that level of  
32 care determination and been unsuccessful, or any appeal period available to the recipient  
33 regarding that level of care determination has expired.

34 (d) The department of human services is further authorized and directed to consolidate  
Page 4

1 all home and community-based services currently provided pursuant to section 1915(c) of title  
2 XIX of the United States Code into a single system of home and community-based services that  
3 include options for consumer direction and shared living. The resulting single home and  
4 community-based services system shall replace and supersede all section 1915(c) programs when  
5 fully implemented. Notwithstanding the foregoing, the resulting single program home and  
6 community-based services system shall include the continued funding of assisted living services  
7 at any assisted living facility financed by the Rhode Island housing and mortgage finance  
8 corporation prior to January 1, 2006, and shall be in accordance with chapter 66.8 of title 42 of  
9 the general laws as long as assisted living services are a covered Medicaid benefit.

10 (e) The department of human services is authorized to promulgate rules that permit  
11 certain optional services including, but not limited to, homemaker services, home modifications,  
12 respite, and physical therapy evaluations to be offered subject to availability of state-appropriated  
13 funding for these purposes.

14 (f) To promote the expansion of home and community-based service capacity, the  
15 department of human services <sup>{add}</sup> and executive office of health and human services <sup>{add}</sup> is  
authorized

16 and directed to pursue rate reform for homemaker, personal care (home health aide) and adult day  
17 care services, as follows:

18 (1) A prospective base adjustment effective, not later than July 1, 2008, across all  
19 departments and programs, of ten percent (10%) of the existing standard or average rate,  
20 contingent upon a demonstrated increase in the state-funded or Medicaid caseload by June 30,  
21 2009;

22 ~~{delete} (2) Development, not later than September 30, 2008, of certification standards  
23 supporting and defining targeted rate increments to encourage service specialization and  
24 scheduling accommodations including, but not limited to, medication and pain management,  
25 wound management, certified Alzheimer's Syndrome treatment and support programs, and shift  
26 differentials for night and week-end services; and~~

27 ~~(3) Development and submission to the governor and the general assembly, not later than  
28 December 31, 2008, of a proposed rate setting methodology for home and community-based  
29 services to assure coverage of the base cost of service delivery as well as reasonable coverage of  
30 changes in cost caused by wage inflation. {delete}~~

31 <sup>{add}</sup> (2) A prospective base adjustment effective not later than October 1, 2014 across all  
32 departments and programs of ten (10%) percent of the existing base rate.

33 (3) Development of rate enhancements for complex adult day participants to reflect  
34 participant acuity, dementia care, and other criteria as determined by the department of human

Page 5

1 services and executive office of health and human services, to be implemented on January 1,  
2 2015.

3 (4) Annual adjustments to the provider reimbursement rates by a percentage amount  
4 equal to the change in a recognized national long-term care inflation index to begin on October 1,  
5 of 2015. <sup>{add}</sup>

6 (g) The department, in collaboration with the executive office of human services, shall  
7 implement a long-term care options counseling program to provide individuals or their

8 representatives, or both, with long-term care consultations that shall include, at a minimum,  
 9 information about: long-term care options, sources and methods of both public and private  
 10 payment for long-term care services and an assessment of an individual's functional capabilities  
 11 and opportunities for maximizing independence. Each individual admitted to or seeking  
 12 admission to a long-term care facility regardless of the payment source shall be informed by the  
 13 facility of the availability of the long-term care options counseling program and shall be provided  
 14 with long-term care options consultation if they so request. Each individual who applies for  
 15 Medicaid long-term care services shall be provided with a long-term care consultation.

16 (h) The department of human services is also authorized, subject to availability of  
 17 appropriation of funding, to pay for certain expenses necessary to transition residents back to the  
 18 community; provided, however, payments shall not exceed an annual or per person amount.

19 (i) To assure the continued financial viability of nursing facilities, the department of  
 20 human services is authorized and directed to develop a proposal for revisions to section 40-8-19  
 21 that reflect the changes in cost and resident acuity that result from implementation of this re-  
 22 balancing goal. Said proposal shall be submitted to the governor and the general assembly on or  
 23 before January 1, 2010.

24 (j) To ensure persons with long-term care needs who remain living at home have  
 25 adequate resources to deal with housing maintenance and unanticipated housing related costs, the  
 26 department of human services is authorized to develop higher resource eligibility limits for  
 27 persons on home and community waiver services who are living in their own homes or rental  
 28 units.

29 SECTION 2. This act shall take effect upon passage.

	<b>Tabled for more information from the nursing home, home health &amp; adult day care providers</b>
	<b>Health Insurance</b>
	<b>2014 H 7817 An Act Relating to State Affairs and Government - The Rhode Island Health Benefits Exchange Act</b>
	Rep. Morgan in House Finance Committee This act would provide that no agency, department, or political subdivision of the state would collect or expend money from any source to further create or enable the Rhode Island health benefits exchange after December 31, 2014. The governor would be directed to transfer the management and operation of the exchange to the U.S. Department of Health and Human Services and the U.S. Centers for Medicare and Medicaid Services, on or before December 31, 2014. This act would take effect upon passage.

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
 2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 <sup>{add}</sup> CHAPTER 155

4 THE RHODE ISLAND HEALTH BENEFITS EXCHANGE ACT

5 **42-155-1. Short title.** – This chapter shall be known and may be cited as "The Rhode  
 6 Island Health Benefits Exchange Act."

7 **42-155-2. Definitions.** – As used in this chapter, the following words and terms shall  
 8 have the following meanings, unless the context indicates another or different meaning or intent:

9 (1) "Exchange" means the Rhode Island health benefits exchange, a division in the  
 10 executive department established by executive order number 11-09 dated September 19, 2011,  
 11 issued pursuant to the provisions of the federal Patient Protection and Affordable Care Act (Pub.  
 12 L. 111-148), as amended by the federal Health care and Education Reconciliation Act of 2010  
 13 (Pub. L. 111-152), and any amendments to, or regulations or guidance issued under, those acts.

14 (2) "Executive order" means executive order number 11-09 dated September 19, 2011.  
 15 (3) "Unified health infrastructure project" means the integrated technology program to  
 16 support the exchange.  
 17 **42-155-3. No state operation of health benefits exchange.** – (a) On and after January 1,  
 18 2015, no agency, department, or political subdivision of the state of Rhode Island, nor any private

Page 2

1 entity contracted with an arm of any state agency, shall collect or expend money or funds from  
 2 any source to further plan, create, participate in or enable a state-based exchange for health  
 3 insurance, or contract with any private entity to do so, including, but not limited to, the Rhode  
 4 Island health benefits exchange, known under the name "HealthSourceRI", and the unified health  
 5 infrastructure project.

6 (b) On or before December 31, 2014, the governor shall, and is hereby authorized and  
 7 directed, to take such administrative actions as are necessary to transfer all management and  
 8 operation of the Rhode Island health benefits exchange to the U. S. Department of Health and  
 9 Human Services and the U. S. Centers for Medicare and Medicaid Services.

10 (c) The governor is further authorized and directed to coordinate with the appropriate  
 11 federal agencies, as required, to ensure:

12 (1) That health insurance coverage obtained through the Rhode Island health benefits  
 13 exchange is transferred to the management and control of the U. S. Department of Health and  
 14 Human Services and the U. S. Centers for Medicare and Medicaid Services; and

15 (2) That individuals, families or businesses enrolled for health insurance through the  
 16 Rhode Island benefits exchange shall retain such coverage without interruption on essentially the  
 17 same terms as agreed upon in their original enrollment with an insurer through the exchange.<sup>{add}</sup>

18 SECTION 2. This act shall take effect upon passage.

	Tabled for more information
	<b>14 H 7819 An Act Relating to Health and Safety - The Rhode Island Healthcare Authority</b>
	Rep. Ferri in House Finance Committee This act would establish the Rhode Island healthcare authority. The authority would be charged with overseeing that the state adopt and implement an active purchaser health insurance and health services model which aggregates all funding of such insurance and services, including, but not limited to, private insurance, Medicaid, and Medicare, through HealthSource RI or its successor agency. This act would take effect upon passage.

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
 2 amended by adding thereto the following chapter:

3 <sup>{add}</sup> **CHAPTER 93**

4 **THE RHODE ISLAND HEALTH CARE AUTHORITY**

5 **23-93-1. Declaration of state policy.** -- It is hereby declared to be the official state  
 6 policy to adopt an active purchaser health insurance and health services model which aggregates  
 7 all funding of such insurance and services, including, but not limited to, private insurance,  
 8 Medicaid, and Medicare, through HealthSource RI or its successor agency.

9 **23-93-2. Rhode Island health care authority established.** -- (a) There is hereby  
 10 established an independent authority to be known as the Rhode Island healthcare authority,  
 11 sometimes referred to herein this chapter as "the authority." The authority shall be operated under  
 12 the leadership of an appointed health care commissioner.

13 (b) The governor shall appoint the health care commissioner with the advise and consent  
 14 of the senate. The health care commissioner shall chair the Rhode Island health care authority.  
 15 The governor shall make the appointment on an interim basis if necessary until the senate is in

16 session. The executive department shall provide any staff, space, and funding necessary for the  
17 authority to accomplish its mandate.

18 (c) The Rhode Island health care authority shall consist of:

Page 2

1 (1) The speaker of the house or designee;

2 (2) The senate president or designee;

3 (3) Two (2) health care consumers;

4 (4) One chief executive officer of a hospital, nominated from among the hospitals in  
5 Rhode Island;

6 (5) One physician nominated from among the primary care specialty societies in Rhode  
7 Island;

8 (6) One nurse or allied professional nominated from among nursing organizations in  
9 Rhode Island;

10 (7) One chief executive officer of a health insurance company nominated from among the  
11 Rhode Island companies;

12 (8) One representative of a labor union;

13 (9) One Representative of small business nominated from among Rhode Island small  
14 businesses;

15 (10) One representative of large business nominated from among Rhode Island large  
16 businesses;

17 (11) One representative of behavioral health provider nominated from the community  
18 mental health providers;

19 (12) Two (2) health policy experts; and

20 (13) The secretary of the executive office of health and human services.

21 **23-93-3. Report from authority. --** (a) On or before January 2, 2016, and annually  
22 thereafter, the health care authority shall provide to the general assembly and the governor of the  
23 state of Rhode Island a report of all recommended legislative and/or regulatory actions that would  
24 be required to:

25 (1) Present a state innovation waiver (SIW) to the federal government on behalf of the  
26 state;

27 (2) Make Healthsource RI the sole hub for securing insurance or health services coverage  
28 for all Rhode Island residents;

29 (3) Aggregate all state, federal, and private medical funding for health insurance and/or  
30 health care services including, but not limited to, Medicaid, Medicare, and self-insured plans  
31 through Healthsource RI or its successor entity;

32 (4) Provide alternatives to employer-based funding of private insurance that explicitly  
33 dissociates private insurance funding from employment status and provides possible alternative to  
34 funding of health insurance, one of which shall be funding through the payroll tax, inter alia;

Page 3

1 (5) Promote the merger of all state agency functions which currently regulate insurance  
2 or fund or provide health services into one health care authority, including, but not limited to, all  
3 or part of the executive office of health and human services (EOHHS), the office of the health  
4 insurance commissioner (OHIC), Healthsource RI, the department of human services (DHS), the  
5 department of health (DOH), the department of behavioral healthcare, developmental disabilities  
6 and hospitals (BHDDH), and the department of administration (DOA), inter alia;

7 (6) Establish an annual global spending target for all health care expenditures in the state  
8 based on CMS market basket or comparable benchmark, with explicit enforcement of compliance  
9 by health care providers;

10 (7) Incrementally shift one hundred percent (100%) of all hospital revenue received from  
11 a fee-for-service model to a global payment model over five (5) years;

12 (8) Establish a standard set of benefits to meet the health care needs of Rhode Island  
 13 residents; and  
 14 (9) Fund and staff the coordinated health planning and affordability council and charge it  
 15 to develop a comprehensive five (5) year state population health improvement plan. The goal of  
 16 the plan shall be to drive excellence in population health management and serve as the foundation  
 17 for a health care system that is affordable, accessible, and delivers high quality outcomes and  
 18 health promotion services in order to pursue the complete physical, mental and social well-being  
 19 of Rhode Islanders. The state population health improvement plan shall provide direction to the  
 20 health care authority and shall be developed every five (5) years.  
 21 (b) Annual reports submitted by the authority subsequent to the initial report shall  
 22 provide an update as to the above points, and with particular emphasis on the progress the state is  
 23 making in regard to adopting and implementing an active purchaser health insurance and health  
 24 services model which aggregates all funding of such insurance and services, including, but not  
 25 limited to, private insurance, Medicaid, and Medicare, through Healthsource RI or its successor  
 26 agency.  
 27 **23-93-4. Plans not to be limited.** -- Nothing in this chapter shall be construed to limit the  
 28 choice and number of plans provided for the consumers.  
 29 **23-93-5. Severability.** -- If any provision of this chapter or the application of this chapter  
 30 to any person or circumstances is held invalid, the invalidity shall not affect other provisions or  
 31 applications of the chapter which can be given effect without the invalid provision or application,  
 32 and to this end the provisions of this chapter are declared to be severable.<sup>{add}</sup>

Page 4

1 SECTION 2. This act shall take effect upon passage.

	<p><b>MOTION: To find harmful 14 H 7819 An Act Relating to Health and Safety - The Rhode Island Healthcare Authority</b>          Motion moved by EG, seconded by AP, passed unanimously</p>
	<p><b>2014 H 7834 An Act Relating to Insurance - Health Maintenance Organizations</b></p>
	<p>Rep. McNamara in House Health, Education, &amp; Welfare Committee          This act would prohibit a group health plan and a health insurance issuer from discriminating with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable state law.          This act would take effect upon passage.</p>

1 SECTION 1. Section 27-41-49 of the General Laws in Chapter 27-41 entitled "Health  
 2 Maintenance Organizations" is hereby amended to read as follows:

3 **27-41-49. Third party reimbursement for services of certain health care workers.** --

4 (a) Every individual or group health insurance contract, plan or policy delivered, issued or  
 5 renewed by an insurer, health maintenance organization, nonprofit or for profit health service  
 6 corporation which provides benefits to individual subscribers and members within the state, or to  
 7 all group members having a principal place of employment within the state, shall provide benefits  
 8 for services rendered by a certified registered nurse anesthetist designated as a certified registered  
 9 nurse anesthetist by the board of nurse registration and nursing education; provided, that the  
 10 following conditions are met:

11 (1) ~~(delete) The certified registered nurse anesthetist provides certain health care services under~~  
 12 ~~the supervision of anesthesiologists, licensed physicians or licensed dentists in accordance with~~  
 13 ~~section 5-34.2-2(e), which requires substantial specialized knowledge, judgment and skill related~~  
 14 ~~to the administration of anesthesia, including pre-operative and post-operative assessment of~~  
 15 ~~patients; administering anesthetics; monitoring patients during anesthesia; management of fluids~~

16 ~~in intravenous therapy and management of respiratory care;~~<sup>{delete}</sup> <sup>{add}</sup> The certified registered nurse  
 17 anesthetist provides certain health care services in collaboration with anesthesiologists, licensed  
 18 physicians, or licensed dentists which requires substantial specialized knowledge, judgment, and  
 19 skill related to the administration of anesthesia, including preoperative and postoperative

Page 2

1 assessment of patients; administering anesthetics; monitoring patients during anesthesia;  
 2 management of fluid in intravenous therapy and management of respiratory care. It also includes,  
 3 in connection with the immediate preoperative care of a patient, the ability to issue a medication  
 4 order for drugs or medications to be administered by a licensed, certified, or registered health care  
 5 provider; to order and evaluate laboratory and diagnostic test results and perform point of care  
 6 testing that the CRNA is qualified to perform; and order and evaluate radiographic imaging  
 7 studies that the CRNA is qualified to order and interpret. For the purposes of this section, the  
 8 immediate preoperative care of a patient shall be defined as the period commencing on the day  
 9 prior to surgery and ending upon discharge of the patient from post-anesthesia care;<sup>{add}</sup>

10 (2) The policy or contract currently provides benefits for identical services rendered by a  
 11 provider of health care licensed by the state; and

12 (3) The certified registered nurse anesthetist is not a salaried employee of the licensed  
 13 hospital or facility for which the health maintenance organization has an alternative contractual  
 14 relationship to fund the services of a certified registered nurse anesthetist.

15 (b) It shall remain within the sole discretion of the health maintenance organization as to  
 16 which certified registered nurse anesthetists it shall contract with. Reimbursement shall be  
 17 provided according to the respective principles and policies of the health maintenance  
 18 organization; provided, that no health maintenance organization may be required to pay for  
 19 duplicative services actually rendered by a certified registered nurse anesthetist and any other  
 20 health care provider. Nothing contained in this section shall preclude the health maintenance  
 21 organization from conducting managed care, medical necessity or utilization review.

22 <sup>{add}</sup> (c) A group health plan and a health insurance issuer offering group or individual health  
 23 insurance coverage shall not discriminate with respect to participation under the plan or coverage  
 24 against any health care provider who is acting within the scope of that provider's license or  
 25 certification under applicable state law. This section shall not require that a group health plan or  
 26 health insurance issuer contract with any health care provider willing to abide by the terms and  
 27 conditions for participation established by the plan or issuer. Nothing in this section shall be  
 28 construed as preventing a group health plan, or a health insurance issuer, establishing varying  
 29 reimbursement rates based on quality or performance measures.<sup>{add}</sup>

30 SECTION 2. This act shall take effect upon passage.

	The Committee took no position
	<b>2014 H 7788 An Act Relating to Insurance - Health Insurance - Accident and Sickness Insurance Policies</b>
	Rep. Marcello held in House Corporations Committee This act would prohibit a health care entity or health plan from denying payment for a claim for medically necessary inpatient services resulting from an emergency admission provided by a hospital solely because the hospital did not provide timely notification that the services had been provided. This act also allows health care entities or health plans and hospitals to reach agreements as to notice and provides a procedure for appealing decisions regarding payment amounts. This act would take effect upon passage.

1 SECTION 1. Section 27-18-61 of the General Laws in Chapter 27-18 entitled "Accident  
 2 and Sickness Insurance Policies" is hereby amended to read as follows:

3 **27-18-61. Prompt processing of claims.** -- (a) A health care entity or health plan

4 operating in the state shall pay all complete claims for covered health care services submitted to  
5 the health care entity or health plan by a health care provider or by a policyholder within forty  
6 (40) calendar days following the date of receipt of a complete written claim or within thirty (30)  
7 calendar days following the date of receipt of a complete electronic claim. Each health plan shall  
8 establish a written standard defining what constitutes a complete claim and shall distribute this  
9 standard to all participating providers.

10 (b) If the health care entity or health plan denies or pends a claim, the health care entity  
11 or health plan shall have thirty (30) calendar days from receipt of the claim to notify in writing  
12 the health care provider or policyholder of any and all reasons for denying or pending the claim  
13 and what, if any, additional information is required to process the claim. No health care entity or  
14 health plan may limit the time period in which additional information may be submitted to  
15 complete a claim.

16 (c) Any claim that is resubmitted by a health care provider or policyholder shall be  
17 treated by the health care entity or health plan pursuant to the provisions of subsection (a) of this  
18 section.

Page 2

1 (d) A health care entity or health plan which fails to reimburse the health care provider  
2 or policyholder after receipt by the health care entity or health plan of a complete claim within the  
3 required timeframes shall pay to the health care provider or the policyholder who submitted the  
4 claim, in addition to any reimbursement for health care services provided, interest which shall  
5 accrue at the rate of twelve percent (12%) per annum commencing on the thirty-first (31st) day  
6 after receipt of a complete electronic claim or on the forty-first (41st) day after receipt of a  
7 complete written claim, and ending on the date the payment is issued to the health care provider  
8 or the policyholder.

9 <sup>{add}</sup> (e) (1) A health care entity or health plan shall not deny payment for a claim for  
10 medically necessary inpatient services resulting from an emergency admission provided by a  
11 hospital solely on the basis that the hospital did not timely notify such health care entity or health  
12 plan that the services had been provided.

13 (2) Nothing in this subsection shall preclude a hospital and a health care entity or health  
14 plan from agreeing to requirements for timely notification that medically necessary inpatient  
15 services resulting from an emergency admission have been provided and to a reduction in  
16 payment for failure to timely notify; provided, however that: (i) Any requirement for timely  
17 notification must provide for a reasonable extension of timeframes for notification for emergency  
18 services provided on weekends, state, or federal holidays, or during state or federally declared  
19 states of emergency; (ii) Any agreed to reduction in payment for failure to timely notify shall not  
20 exceed the lesser of two thousand dollars or twelve percent (12%) of the payment amount  
21 otherwise due for the services provided; and (iii) Any agreed to reduction in payment for failure  
22 to timely notify shall not be imposed if the patient's insurance coverage could not be determined  
23 by the hospital after reasonable efforts at the time the inpatient services were provided.

24 (f) Except where the parties have developed a mutually agreed upon process for the  
25 reconciliation of coding disputes that includes a review of submitted medical records to ascertain  
26 the correct coding for payment, a hospital shall, upon receipt of payment of a claim for which  
27 payment has been adjusted based on a particular coding to a patient including the assignment of  
28 diagnosis and procedure, have the opportunity to submit the affected claim with medical records  
29 supporting the hospital's initial coding of the claim within thirty (30) days of receipt of payment.  
30 Upon receipt of such medical records, the health care entity or health plan shall review such  
31 information to ascertain the correct coding for payment and process the claim in accordance with  
32 the time frames set forth in subsection (a) of this section. In the event the health care entity or  
33 health plan processes the claim consistent with its initial determination, such decision shall be  
34 accompanied by a detailed statement in plain language of the health care entity or health plan

1 setting forth the specific reasons why the initial adjustment was appropriate. A health care entity  
2 or health plan that increases the payment based on the information submitted by the hospital, but  
3 fails to do so in accordance with the timeframes set forth in subsection (a) of this section, shall  
4 pay to the hospital interest on the amount of such increase at the rate set pursuant to subsection  
5 (d) of this section. Neither the initial or subsequent processing of the claim by the health care  
6 entity or health plan shall be deemed an adverse determination if based solely on a coding  
7 determination. Nothing in this subsection shall apply to those instances in which the insurer or  
8 organization, or corporation has a reasonable suspicion of fraud or abuse.<sup>{add}</sup>

9 ~~(e)~~<sup>{add}</sup> ~~(g)~~<sup>{add}</sup> Exceptions to the requirements of this section are as follows:

10 (1) No health care entity or health plan operating in the state shall be in violation of this  
11 section for a claim submitted by a health care provider or policyholder if:

12 (i) Failure to comply is caused by a directive from a court or federal or state agency;

13 (ii) The health care entity or health plan is in liquidation or rehabilitation or is operating  
14 in compliance with a court-ordered plan of rehabilitation; or

15 (iii) The health care entity or health plan's compliance is rendered impossible due to  
16 matters beyond its control that are not caused by it.

17 (2) No health care entity or health plan operating in the state shall be in violation of this  
18 section for any claim: (i) initially submitted more than ninety (90) days after the service is  
19 rendered, or (ii) resubmitted more than ninety (90) days after the date the health care provider  
20 received the notice provided for in subsection (b) of this section; provided, this exception shall  
21 not apply in the event compliance is rendered impossible due to matters beyond the control of the  
22 health care provider and were not caused by the health care provider.

23 (3) No health care entity or health plan operating in the state shall be in violation of this  
24 section while the claim is pending due to a fraud investigation by a state or federal agency.

25 (4) No health care entity or health plan operating in the state shall be obligated under this  
26 section to pay interest to any health care provider or policyholder for any claim if the director of  
27 business regulation finds that the entity or plan is in substantial compliance with this section. A  
28 health care entity or health plan seeking such a finding from the director shall submit any  
29 documentation that the director shall require. A health care entity or health plan which is found to  
30 be in substantial compliance with this section shall thereafter submit any documentation that the  
31 director may require on an annual basis for the director to assess ongoing compliance with this  
32 section.

33 (5) A health care entity or health plan may petition the director for a waiver of the  
34 provision of this section for a period not to exceed ninety (90) days in the event the health care

1 entity or health plan is converting or substantially modifying its claims processing systems.

2 ~~(f)~~<sup>{add}</sup> ~~(h)~~<sup>{add}</sup> For purposes of this section, the following definitions apply:

3 (1) "Claim" means: (i) a bill or invoice for covered services; (ii) a line item of service; or  
4 (iii) all services for one patient or subscriber within a bill or invoice.

5 (2) "Date of receipt" means the date the health care entity or health plan receives the  
6 claim whether via electronic submission or as a paper claim.

7 (3) "Health care entity" means a licensed insurance company or nonprofit hospital or  
8 medical or dental service corporation or plan or health maintenance organization, or a contractor  
9 as described in section 23-17.13-2(2), which operates a health plan.

10 (4) "Health care provider" means an individual clinician, either in practice independently  
11 or in a group, who provides health care services, and ~~otherwise referred to as a non-institutional~~  
12 ~~provider~~<sup>{add}</sup> any health care facility, as defined in § 27-18-1.1 including any mental health and/or  
13 substance abuse treatment facility, physician, or other licensed practitioners identified to the  
14 review agent as having primary responsibility for the care, treatment, and services rendered to a

15 patient<sup>{add}</sup>.

16 (5) "Health care services" include, but are not limited to, medical, mental health,  
17 substance abuse, dental and any other services covered under the terms of the specific health plan.

18 (6) "Health plan" means a plan operated by a health care entity that provides for the  
19 delivery of health care services to persons enrolled in those plans through:

20 (i) Arrangements with selected providers to furnish health care services; and/or

21 (ii) Financial incentive for persons enrolled in the plan to use the participating providers  
22 and procedures provided for by the health plan.

23 <sup>{add}</sup>(7) "Medically necessary" means services or supplies that are needed for the diagnosis or  
24 treatment of a medical condition and meet generally accepted standards of medical practice. For  
25 these purposes, "generally accepted standards of medical practice" means standards and  
26 guidelines that include, but are not limited to, InterQual and other supporting information based  
27 on credible scientific evidence published in peer-reviewed medical literature generally recognized  
28 by the relevant medical community, Physician Specialty Society recommendations and the views  
29 of physicians practicing in relevant clinical areas, and any other relevant factors. <sup>{add}</sup>

30 ~~(7)~~ <sup>{add}</sup>(8) <sup>{add}</sup>"Policyholder" means a person covered under a health plan or a representative  
31 designated by that person.

32 ~~(8)~~ <sup>{add}</sup>(9) <sup>{add}</sup>"Substantial compliance" means that the health care entity or health plan is  
33 processing and paying ninety-five percent (95%) or more of all claims within the time frame  
34 provided for in subsections (a) and (b) of this section.

Page 5

1 ~~(g)~~ <sup>{add}</sup>(i) <sup>{add}</sup>Any provision in a contract between a health care entity or a health plan and a  
2 health care provider which is inconsistent with this section shall be void and of no force and  
3 effect.

4 SECTION 2. Section 27-19-52 of the General Laws in Chapter 27-19 entitled "Nonprofit  
5 Hospital Service Corporations" is hereby amended to read as follows:

[Repeat of the changes above in Section 27-18-61]

Page 8

27 SECTION 3. Section 27-20-47 of the General Laws in Chapter 27-20 entitled "Nonprofit  
28 Medical Service Corporations" is hereby amended to read as follows:

[Repeat of the changes above in Section 27-18-61]

Page 12

14 SECTION 4. Section 27-41-64 of the General Laws in Chapter 27-41 entitled "Health  
15 Maintenance Organizations" is hereby amended to read as follows:

[Repeat of the changes above in Section 27-18-61]

Page 16

1 SECTION 5. This act shall take effect upon passage.

	<b>The Committee took no position</b>
	Review request by: Meredith Sheehan
	<b>2014 S 2501 An Act Relating to Insurance - Prescription Drug Coverage</b>
	Sen. Nesselbush in Health and Human Services Committee This act would require all health insurance plans issued in this state that provide coverage for prescription drugs, to provide coverage for short term "step-therapy" prescription programs. The act would spell out the conditions under which a prescriber would be permitted to override certain drug restrictions. This act would take effect upon passage.

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
2 Insurance Policies" is hereby amended by adding thereto the following section:

3 <sup>{add}</sup>27-18-82. Establishing prescription drug out-of-pocket limits. – (a) As used in this

4 section, the following words shall have the following meaning:

5 (1) "Out-of-pocket expenditure" means any and all co-payment, coinsurance, deductible,  
6 or other cost-sharing mechanism.

7 (b) A health plan that provides coverage for prescription drugs shall:

8 (1) Ensure that any required out-of-pocket expenditure applicable to a drug does not  
9 exceed one hundred dollars (\$100) per month for up to a thirty (30) day supply of such drug; and

10 (2) Limit a beneficiary's annual out-of-pocket expenditures for prescription drugs to no  
11 more than fifty percent (50%) of the dollar amounts in effect under section 1302(c)(1) of the U.S.  
12 Affordable Care Act for self-only and family coverage, respectively.

13 (c) Nothing in this section shall be construed to require a health plan to provide coverage  
14 for any additional drugs not otherwise required by law.

15 **27-18-83. Step-therapy programs.** – (a) As used in this section the following words  
16 shall, unless the context clearly requires otherwise, have the following meanings:

17 (1) "Step-therapy" means protocols that establish the specific sequence in which  
18 prescription drugs for a specified medical condition are to be prescribed.

19 (b) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or  
Page 2

1 renewed within the state that provides coverage for prescription drugs and uses step-therapy  
2 protocols shall:

3 (1) Provide the prescriber with a clear and convenient process to expeditiously request an  
4 override of such restriction, which shall be granted whenever the prescriber can demonstrate that:

5 (i) The patient is currently stabilized on the treatment which is being requested; or

6 (ii) The preferred treatment required under the step-therapy program:

7 (A) Has been ineffective in the treatment of the patient's medical condition in the past;

8 (B) Is expected to be ineffective or adversely affect treatment compliance based on the

9 known relevant physical or mental characteristics of the patient and the known characteristics of  
10 the drug regimen; or

11 (C) Will cause or will likely cause an adverse reaction or other physical harm to the  
12 patient; and

13 (2) Step-therapy protocols described in this section shall not exceed the earlier of:

14 (i) The period deemed necessary by the patient's prescriber to determine clinical  
15 effectiveness of the preferred treatment required under the step-therapy program; or

16 (ii) Ten (10) days.<sup>{add}</sup>

17 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service  
18 Corporations" is hereby amended by adding thereto the following section:

19 [Same as Section 27-18-82 above]

Page 3

18 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service  
19 Corporations" is hereby amended by adding thereto the following section:

20 [Same as Section 27-18-82 above]

Page 4

19 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance  
20 Organizations" is hereby amended by adding thereto the following section:

21 [Same as Section 27-18-82 above]

Page 5

20 SECTION 5. This act shall take effect upon passage.

	<p>MOTION: To find beneficial 2014 S 2501 An Act Relating to Insurance - Prescription Drug Coverage Motion moved by RC, seconded by MS, passed unanimously</p>
	<p>Review request by: Bob Cooper</p>
	<p><b>2014 H 7979 An Act Relating to Insurance - Medical - Insurance Coverage for Mental Illness and Substance Abuse</b></p>
	<p>Rep, Naughton to be heard by House Corporations Committee 4/8/2014 @ Rise rm 203 This act would remove "methadone maintenance services" from being excluded from the definition of mental illness coverage for medical insurance purposes. This act would take effect upon passage.</p>

1 SECTION 1. Section 27-38.2-2 of the General Laws in Chapter 27-38.2 entitled  
2 "Insurance Coverage for Mental Illness and Substance Abuse" is hereby amended to read as  
3 follows:  
4 **27-38.2-2. Definitions.** -- For the purposes of this chapter, the following words and terms  
5 have the following meanings:  
6 (1) "Health insurers" means all persons, firms, corporations, or other organizations  
7 offering and assuring health services on a prepaid or primarily expense-incurred basis, including  
8 but not limited to policies of accident or sickness insurance, as defined by chapter 18 of this title,  
9 nonprofit hospital or medical service plans, whether organized under chapter 19 or 20 of this title  
10 or under any public law or by special act of the general assembly, health maintenance  
11 organizations, or any other entity which insures or reimburses for diagnostic, therapeutic, or  
12 preventive services to a determined population on the basis of a periodic premium. Provided, this  
13 chapter does not apply to insurance coverage providing benefits for:  
14 (i) Hospital confinement indemnity;  
15 (ii) Disability income;  
16 (iii) Accident only;  
17 (iv) Long-term care;  
18 (v) Medicare supplement;

Page 2

1 (vi) Limited benefit health;  
2 (vii) Specific disease indemnity;  
3 (viii) Sickness or bodily injury or death by accident or both; and  
4 (ix) Other limited benefit policies.  
5 (2) "Mental illness" means any mental disorder and substance abuse disorder that is  
6 listed in the most recent revised publication or the most updated volume of either the Diagnostic  
7 and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric  
8 Association or the International Classification of Disease Manual (ICO) published by the World  
9 Health Organization and that substantially limits the life activities of the person with the illness;  
10 provided, that tobacco and caffeine are excluded from the definition of "substance" for the  
11 purposes of this chapter. "Mental illness" shall not include: (i) **mental retardation**, (ii) learning  
12 disorders, (iii) motor skills disorders, (iv) communication disorders, and (v) mental disorders  
13 classified as "V" codes. Nothing shall preclude persons with these conditions from receiving  
14 benefits provided under this chapter for any other diagnoses covered by this chapter.  
15 (3) "Mental illness coverage" means inpatient hospitalization, partial hospitalization  
16 provided in a hospital or any other licensed facility, intensive out patient services, outpatient  
17 services and community residential care services for substance abuse treatment. It shall not  
18 include <sup>(delete)</sup>~~methadone maintenance services or~~<sup>(delete)</sup> community residential care services for  
mental

19 illnesses other than substance abuse disorders.

20 (4) "Outpatient services" means office visits that provide for the treatment of mental  
21 illness and substance abuse.

22 (5) "Community residential care services" mean those facilities as defined and licensed  
23 in accordance with chapter 24 of title 40.1.

24 SECTION 2. This act shall take effect upon passage.

	Table for fiscal note, who pays now
	Professional Standards
	2014 H 7993 An Act Relating to Health and Safety - Freedom From Life-Threatening Physical Restraint Act
	Rep. Gallison in House Health, Education, & Welfare Committee This act would prevent service providers at covered facilities from using life-threatening physical restraint at any time upon persons serviced by the agency. "Covered facility" means any agency, organization, or public or private entity, regardless of the state agency under whose authority its license or certification is established, that provides support or care, residential support, education, healthcare, treatment, or direct supervision. "Covered facility" does not include any law enforcement department, the department of corrections, the training school for youth, or the forensic unit at the Eleanor Slater hospital. If any restraint is used the act would require incident reports, medical care and law enforcement involvement as well as development of policies and procedures and staff training. This act would take effect upon passage.

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 <sup>(add)</sup> CHAPTER 17.27

4 FREEDOM FROM LIFE-THREATENING PHYSICAL RESTRAINT ACT

5 23-17.27-1. Short title.-- This chapter shall be known and may be cited as the "Freedom  
6 from Life-Threatening Physical Restraint Act."

7 23-17.27-2. Fundamental purpose.-- This chapter is enacted to protect and promote the  
8 right of each person who is served by a covered facility to be free from life-threatening physical  
9 restraint.

10 23-17.27-3. Definitions.-- For the purposes of this chapter:

11 (1) "Service provider" means any person employed or contracted by a covered facility to  
12 provide support or care, residential support, education, healthcare, treatment, or direct  
13 supervision.

14 (2) "Covered facility" means any agency, organization, or public or private entity,  
15 regardless of the state agency under whose authority its license or certification is established, that  
16 provides support or care, residential support, education, healthcare, treatment, or direct  
17 supervision. "covered facility" does not include any law enforcement department, the department  
18 of corrections, the training school for youth, or the forensic unit at the Eleanor Slater hospital.

Page 2

1 (3) "Life-threatening physical restraint" means any physical restraint or hold on a person  
2 that may cause death, including prone restraint or any restraint that is contraindicated by a  
3 person's physical or mental health.

4 23-17.27-4. Use of restraints.-- No service provider of any covered facility may use a  
5 life-threatening physical restraint, at any time.

6 23-17.27-5. Recording and data collection.-- (a) Any use of restraint on a person must  
7 be documented. This documentation must be maintained by the covered facility and shall be  
8 submitted electronically to the licensing agency within four (4) days of the use of a restraint. The  
9 following information must be included:

- 10 (1) The name of the person restrained;  
 11 (2) The name of the covered facility;  
 12 (3) The names of the staff participating in the restraint;  
 13 (4) The names of other staff present (including medical professionals);  
 14 (5) The date and time of the restraint;  
 15 (6) The length of time of the restraint;  
 16 (7) The location of the restraint;  
 17 (8) The nature of the emergency and what steps were taken to prevent the emergency  
 18 from arising if there were indications that such an emergency was likely to arise;  
 19 (9) The attempts of de-escalation and positive behavioral supports utilized;  
 20 (10) If, when, and how the family or advocate was contacted;  
 21 (11) Who attended the debriefing and when the debriefing occurred; and  
 22 (12) The outcome of the debriefing.  
 23 (b) If the use of restraint results in serious physical injury or death to the person, the  
 24 covered facility shall immediately contact emergency rescue responders and report the incident to  
 25 law enforcement. The covered facility shall then report the incident to the director of the state  
 26 agency that has jurisdiction or supervisory control over the covered facility. The director shall  
 27 report any incidence of serious injury or death to the attorney general, and if a child, to the child  
 28 advocate.  
 29 **23-17.27-6. Training and policies.--** Each covered facility shall:  
 30 (1) Develop policies and procedures that establish monitoring, documentation, reporting  
 31 and internal review of the use of restraint in accordance with this chapter;  
 32 (2) Require nationally recognized training of all service providers in the  
 33 reduction/elimination of restraint and seclusion. The training shall be approved by the director of  
 34 the state agency that has supervisory control over the covered facility. The training shall include,

Page 3

- 1 but not be limited to:  
 2 (i) Leadership towards organizational change;  
 3 (ii) Use of data to inform practice;  
 4 (iii) Workforce development;  
 5 (iv) Use of prevention tools, including positive behavior interventions and de-escalation;  
 6 (v) Inclusion of individuals, families, and advocates; and  
 7 (vi) Debriefing techniques and outcomes.  
 8 (3) Make the policies and procedures required under subdivision (1) available to the  
 9 director of the state agency that has jurisdiction or supervisory control over the covered facility.<sup>{add}</sup>  
 10 SECTION 2. This act shall take effect upon passage.

	<p>Tabled and offer to set up a meeting on the relationship of the bill to BHDDH licensing regulations, &amp; protocols for permission to use restrains          Motion moved by EG, seconded by AP, passed, abstained RC, CG, LW.</p>
	<p><b>Housing</b></p>
	<p>Review request by: RI Coalition for the Homeless</p>
	<p><b>2014 S 2462 An Act Relating to Affordable Housing - Capital Development Program</b></p>
	<p>Sen. Pichardo in Senate Finance Committee          This act would provide for a bond referendum, which would authorize the issuance of bonds for Affordable Housing in the amount of fifty million dollars (\$50,000,000), at the</p>

election to be held in November, 2014. Sections 1, 2, 3, and 13 of this act would take effect upon passage. The remaining sections of this act would take effect if and when the state board of elections certified to the secretary of state that a majority of the qualified electors voting on the propositions contained in Section 1 hereof have indicated their approval of the project thereunder.
--

1 SECTION 1. **Proposition to be submitted to the people.** -- At the general election to be  
2 held on the Tuesday next after the first Monday in November 2014, there shall be submitted to  
3 the people for their approval or rejection the following proposition:

4 "Shall the action of the general assembly, by an act passed at the January 2014 session,  
5 authorizing the issuance of bonds, refunding bonds, and temporary notes of the state for the  
6 capital projects and in the amount with respect to each such project listed below be approved, and  
7 the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with the  
8 provisions of said act?"

9 **Project:** (1) Affordable Housing \$50,000,000

10 Approval of this question will allow the State of Rhode Island to issue general obligation  
11 bonds, refunding bonds, and temporary notes in an amount not to exceed fifty million dollars  
12 (\$50,000,000) for affordable housing.

13 SECTION 2. **Ballot labels and applicability of general election laws.** -- The secretary  
14 of state shall prepare and deliver to the state board of elections ballot labels for each of the  
15 projects provided for in Section 1 hereof with the designations "approve" or "reject" provided  
16 next to the description of each such project to enable voters to approve or reject each such  
17 proposition. The general election laws, so far as consistent herewith, shall apply to this  
18 proposition.

19 SECTION 3. **Approval of projects by people.** -- If a majority of the people voting on  
Page 2

1 the proposition provided for in Section 1 hereof shall vote to approve the proposition as to any  
2 project provided for in Section 1 hereof, said project shall be deemed to be approved by the  
3 people. The authority to issue bonds, refunding bonds and temporary notes of the state shall be  
4 limited to the aggregate amount for all such projects as set forth in the proposition provided for in  
5 Section 1 hereof which has been approved by the people.

6 SECTION 4. **Bonds for capital development program.** -- The general treasurer is  
7 hereby authorized and empowered with the approval of the governor and in accordance with the  
8 provisions of this act, to issue from time to time capital development bonds in serial form in the  
9 name and on behalf of the state in amounts as may be specified from time to time by the governor  
10 in an aggregate principal amount not to exceed the total amount for all projects approved by the  
11 people and designated as "capital development loan of 2014 bonds"; provided, however, that the  
12 aggregate principal amount of such capital development bonds and of any temporary notes  
13 outstanding at any one time issued in anticipation thereof pursuant to Section 7 hereof shall not  
14 exceed the total amount for all such projects as have been approved by the people. All provisions  
15 in this act relating to "bonds" shall also be deemed to apply to "refunding bonds".

16 Capital development bonds issued under this act shall be in denominations of one  
17 thousand dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency  
18 of the United States which at the time of payment shall be legal tender for public and private  
19 debts. These capital development bonds shall bear such date or dates, mature at specified time or  
20 times, but not beyond the end of the twentieth state fiscal year following the state fiscal year in  
21 which they are issued, bear interest payable semi-annually at a specified rate or different or  
22 varying rates, be payable at designated time or times at specified place or places, be subject to  
23 expressed terms of redemption or recall, with or without premium, be in a form, with or without  
24 interest coupons attached, carry such registration, conversion, reconversion, transfer, debt  
25 retirement, acceleration and other provisions as may be fixed by the general treasurer, with the

26 approval of the governor, upon each issue of such capital development bonds at the time of each  
27 issue. Whenever the governor shall approve the issuance of such capital development bonds, he  
28 or she shall certify approval to the secretary of state; the bonds shall be signed by the general  
29 treasurer and countersigned by the manual or facsimile signature of the secretary of state and  
30 shall bear the seal of the state or a facsimile thereof. The approval of the governor shall be  
31 endorsed on each bond so approved with a facsimile of his or her signature.

32 SECTION 5. **Refunding bonds for 2014 capital development program.** -- The general  
33 treasurer is hereby authorized and empowered, with the approval of the governor and in  
34 accordance with the provisions of this act, to issue from time to time bonds to refund the 2014

Page 3

1 capital development program bonds in the name and on behalf of the state, in amounts as may be  
2 specified from time to time by the governor in an aggregate principal amount not to exceed the  
3 total amount approved by the people, to be designated as "capital development program loan of  
4 2014 refunding bonds" (hereinafter "refunding bonds").

5 The general treasurer with the approval of the governor shall fix the terms and form of  
6 any refunding bonds issued under this act in the same manner as the capital development bonds  
7 issued under this act, except that the refunding bonds may not mature more than twenty (20)  
8 years from the date of original issue of the capital development bonds being refunded.

9 The proceeds of the refunding bonds, exclusive of any premium and accrual interest and  
10 net the underwriters' cost, and cost of bond insurance, shall, upon their receipt, be paid by the  
11 general treasurer immediately to the paying agent for the capital development bonds which are to  
12 be called and prepaid. The paying agent shall hold the refunding bond proceeds in trust until they  
13 are applied to prepay the capital development bonds. While such proceeds are held in trust, they  
14 may be invested for the benefit of the state in obligations of the United States of America or the  
15 State of Rhode Island.

16 If the general treasurer shall deposit with the paying agent for the capital development  
17 bonds the proceeds of the refunding bonds or proceeds from other sources amounts that, when  
18 invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all  
19 principal, interest, and premium, if any, on the capital development bonds until these bonds are  
20 called for prepayment, then such capital development bonds shall not be considered debts of the  
21 State of Rhode Island for any purpose from the date of deposit of such moneys with the paying  
22 agent. The refunding bonds shall continue to be a debt of the state until paid.

23 The term "bond" shall include "note", and the term "refunding bonds" shall include  
24 "refunding notes" when used in this act.

25 SECTION 6. **Proceeds of capital development program.** -- The general treasurer is  
26 directed to deposit the proceeds from the sale of capital development bonds issued under this act,  
27 exclusive of premiums and accrued interest and net the underwriters' cost, and cost of bond  
28 insurance, in one or more of the depositories in which the funds of the state may be lawfully kept  
29 in special accounts (hereinafter cumulatively referred to as "such capital development bond  
30 fund") appropriately designated for each of the projects set forth in Section 1 hereof which shall  
31 have been approved by the people to be used for the purpose of paying the cost of all such  
32 projects so approved.

33 All monies in the capital development bond fund shall be expended for the purposes  
34 specified in the proposition provided for in Section 1 hereof under the direction and supervision  
Page 4

1 of the director of administration (hereinafter referred to as "director"). The director or his or her  
2 designee shall be vested with all power and authority necessary or incidental to the purposes of  
3 this act, including but not limited to, the following authority: (a) To acquire land or other real  
4 property or any interest, estate or right therein as may be necessary or advantageous to  
5 accomplish the purposes of this act; (b) To direct payment for the preparation of any reports,

6 plans and specifications, and relocation expenses and other costs such as for furnishings,  
7 equipment designing, inspecting and engineering, required in connection with the implementation  
8 of any projects set forth in Section 1 hereof; (c) To direct payment for the costs of construction,  
9 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other  
10 improvements to land in connection with the implementation of any projects set forth in section 1  
11 hereof; and (d) To direct payment for the cost of equipment, supplies, devices, materials and labor  
12 for repair, renovation or conversion of systems and structures as necessary for 2014 capital  
13 development program bonds or notes hereunder from the proceeds thereof. No funds shall be  
14 expended in excess of the amount of the capital development bond fund designated for each  
15 project authorized in Section 1 hereof. With respect to the bonds and temporary notes described  
16 in section 1, the proceeds shall be utilized for the following purposes:

17 Question 1 relating to bonds in the amount of fifty million dollars (\$50,000,000) for  
18 Affordable Housing shall be allocated as follows:

19 Provides funding to the Housing Resources Commission to provide state funds to  
20 promote affordable housing through redevelopment of existing structures, or new construction.

21 **SECTION 7. Sale of bonds and notes.** -- Any bonds or notes issued under the authority  
22 of this act shall be sold from time to time at not less than the principal amount thereof, in such  
23 mode and on such terms and conditions as the general treasurer, with the approval of the  
24 governor, shall deem to be for the best interests of the state.

25 Any premiums and accrued interest, net of the cost of bond insurance and underwriters  
26 discount, that may be received on the sale of the capital development bonds or notes shall become  
27 part of the Rhode Island Capital Fund of the state, unless directed by federal law or regulation to  
28 be used for some other purpose.

29 In the event that the amount received from the sale of the capital development bonds or  
30 notes exceeds the amount necessary for the purposes stated in Section 6 hereof, the surplus may  
31 be used to the extent possible to retire the bonds as the same may become due, to redeem them in  
32 accordance with the terms thereof or otherwise to purchase them as the general treasurer, with the  
33 approval of the governor, shall deem to be for the best interests of the state.

34 Any bonds or notes issued under the provisions of this act and coupons on any capital

Page 5

1 development bonds, if properly executed by the manual or facsimile signatures of officers of the  
2 state in office on the date of execution shall be valid and binding according to their tenor,  
3 notwithstanding that before the delivery thereof and payment therefor, any or all such officers  
4 shall for any reason have ceased to hold office.

5 **SECTION 8. Bonds and notes to be tax exempt and general obligations of the**  
6 **state.** -- All bonds and notes issued under the authority of this act shall be exempt from taxation  
7 in the state and shall be general obligations of the state, and the full faith and credit of the state is  
8 hereby pledged for the due payment of the principal and interest on each of such bonds and notes  
9 as the same shall become due.

10 **SECTION 9. Investment of monies in fund.** -- All moneys in the capital  
11 development fund not immediately required for payment pursuant to the provisions of this act  
12 may be invested by the investment commission, as established by chapter 35-10, pursuant to the  
13 provisions of such chapter; provided, however, that the securities in which the capital  
14 development fund is invested shall remain a part of the capital development fund until exchanged  
15 for other securities; and provided further, that the income from investments of the capital  
16 development fund shall become a part of the general fund of the state and shall be applied to the  
17 payment of debt service charges of the state, unless directed by federal law or regulation to be  
18 used for some other purpose, or to the extent necessary, to rebate to the United States treasury any  
19 income from investments (including gains from the disposition of investments) of proceeds of  
20 bonds or notes to the extent deemed necessary to exempt (in whole or in part) the interest paid on

21 such bonds or notes from federal income taxation.

22 SECTION 10. **Appropriation.** -- To the extent the debt service on these bonds is not  
23 otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and  
24 notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise  
25 appropriated.

26 SECTION 11. **Advances from general fund.** -- The general treasurer is authorized  
27 from time to time with the approval of the director and the governor, in anticipation of the issue  
28 of notes or bonds under the authority of this act, to advance to the capital development bond fund  
29 for the purposes specified in Section 6 hereof, any funds of the state not specifically held for any  
30 particular purpose; provided, however, that all advances made to the capital development bond  
31 fund shall be returned to the general fund from the capital development bond fund forthwith upon  
32 the receipt by the capital development fund of proceeds resulting from the issue of notes or bonds  
33 to the extent of such advances.

34 SECTION 12. **Federal assistance and private funds.** -- In carrying out this act, the  
Page 6

1 director, or his or her designee, is authorized on behalf of the state, with the approval of the  
2 governor, to apply for and accept any federal assistance which may become available for the  
3 purpose of this act, whether in the form of loan or grant or otherwise, to accept the provision of  
4 any federal legislation therefor, to enter into, act and carry out contracts in connection therewith,  
5 to act as agent for the federal government in connection therewith, or to designate a subordinate  
6 so to act. Where federal assistance is made available, the project shall be carried out in  
7 accordance with applicable federal law, the rules and regulations thereunder and the contract or  
8 contracts providing for federal assistance, notwithstanding any contrary provisions of state law.  
9 Subject to the foregoing, any federal funds received for the purposes of this act shall be deposited  
10 in the capital development bond fund and expended as a part thereof. The director or his or her  
11 designee may also utilize any private funds that may be made available for the purposes of this  
12 act.

13 SECTION 13. **Effective Date.** -- Sections 1, 2, 3, and 13 of this act shall take effect  
14 upon passage. The remaining sections of this act shall take effect if and when the state board of  
15 elections shall certify to the secretary of state that a majority of the qualified electors voting on  
16 the propositions contained in Section 1 hereof have indicated their approval of the project  
17 thereunder.

	MOTION: To find beneficial 2014 S 2462 An Act Relating to Affordable Housing - Capital Development Program Motion moved by AP, seconded by MS, passed abstained EG
	<b>Human Services</b>
	Review request by: Casey Gartland
	14 H 7862 An Act Relating to Food and Drugs - Compassion Centers
	Rep. Slater in House Judiciary Committee This act would replace the numerical limit on the number of marijuana plants and amount of marijuana a compassion center may possess with the requirement that it limit its inventory of seedlings, plants, and usable marijuana to reflect the projected needs of registered qualifying patients. This act would take effect upon passage.

1 SECTION 1. Section 21-28.6-12 of the General Laws in Chapter 21-28.6 entitled "The  
2 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended to read as  
3 follows:

4 **21-28.6-12. Compassion centers.** -- (a) A compassion center registered under this

5 section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or  
6 dispense marijuana, or related supplies and educational materials, to registered qualifying patients  
7 and their registered primary caregivers who have designated it as one of their primary caregivers.  
8 A compassion center is a primary caregiver. Except as specifically provided to the contrary, all  
9 provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, sections 21-  
10 28.6-1 -- 21-28.6-11, apply to a compassion center unless they conflict with a provision contained  
11 in section 21-28.6-12.

[No changes pages 1 – 8]

25 Page 9

26 (i) Prohibitions:

27 (1) A compassion center <sup>{delete}</sup> ~~shall not possess an amount of marijuana at any given time that~~  
28 ~~exceeds the following limitations:~~

29 ~~-(i) One hundred fifty (150) marijuana plants of which no more than ninety nine (99)~~  
30 ~~shall be mature; and~~

31 ~~-(ii) One thousand five hundred ounces (1500-oz.) of usable marijuana~~ <sup>{delete}</sup> <sup>{add}</sup> must limit its  
32 inventory of seedlings, plants, and usable marijuana to reflect the projected needs of registered  
33 qualifying patients <sup>{add}</sup>.

34 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a  
Page 10

1 person other than a qualifying patient who has designated the compassion center as a primary  
2 caregiver or to such patient's other primary caregiver;

3 (3) A person found to have violated paragraph (2) of this subsection may not be an  
4 employee, agent, volunteer, principal officer, or board member of any compassion center;

5 (4) An employee, agent, volunteer, principal officer or board member of any compassion  
6 center found in violation of paragraph (2) above shall have his or her registry identification  
7 revoked immediately; and

8 (5) No person who has been convicted of a felony drug offense or has entered a plea of  
9 nolo contendere for a felony drug offense with a sentence or probation may be the principal  
10 officer, board member, agent, volunteer, or employee of a compassion center unless the  
11 department has determined that the person's conviction was for the medical use of marijuana or  
12 assisting with the medical use of marijuana in accordance with the terms and conditions of this  
13 chapter. A person who is employed by or is an agent, volunteer, principal officer, or board  
14 member of a compassion center in violation of this section is guilty of a civil violation punishable  
15 by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section is a  
16 misdemeanor:

17 (j) Legislative oversight committee:

18 (1) The general assembly shall appoint a nine (9) member oversight committee  
19 comprised of: one member of the house of representatives; one member of the senate; one  
20 physician to be selected from a list provided by the Rhode Island medical society; one nurse to be  
21 selected from a list provided by the Rhode Island state nurses association; two (2) registered  
22 qualifying patients; one registered primary caregiver; one patient advocate to be selected from a  
23 list provided by the Rhode Island patient advocacy coalition; and the superintendent of the Rhode  
24 Island state police or his/her designee.

25 (2) The oversight committee shall meet at least six (6) times per year for the purpose of  
26 evaluating and making recommendations to the general assembly regarding:

27 (i) Patients' access to medical marijuana;

28 (ii) Efficacy of compassion center;

29 (iii) Physician participation in the Medical Marijuana Program;

30 (iv) The definition of qualifying medical condition;

31 (v) Research studies regarding health effects of medical marijuana for patients.

32 (3) On or before January 1 of every even numbered year, the oversight committee shall  
33 report to the general assembly on its findings.

Page 11

1 SECTION 2. This act shall take effect upon passage.

	<b>The Committee took no position</b>
	<b>2014 H 7869 An Act Relating to Food and Drugs - Good Samaritan Overdose Prevention Act</b>
	Rep. Ferri Scheduled for hearing and/or consideration by the House Judiciary Committee on 4/9 /2014 @ Rise in rm 205 This act would adopt "The Good Samaritan Overdose Prevention Act" which would exempt from civil liability, individuals who administer an opioid antagonist to another person to prevent a drug overdose. This act would take effect upon passage.

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby  
2 amended by adding thereto the following chapter:

3 <sup>{add}</sup> CHAPTER 28.8

4 THE GOOD SAMARITAN OVERDOSE PREVENTION ACT

5 21-28.8-1. Short title. – This chapter shall be known and may be cited as "The Good  
6 Samaritan Overdose Prevention Act".

7 21-28.8-2. Definition. - "Opioid antagonist" is a drug which is a competitive antagonist  
8 that binds to the opioid receptors with higher affinity than agonists but does not activate the  
9 receptors, effectively blocking the receptor, preventing the human body from making use of  
10 opiates and endorphins.

11 21-28.8-3. Authority to administer opioid antagonists – Release from liability. – (a)

12 A person may administer an opioid antagonist to another person if:

13 (1) He or she, in good faith, believes the other person is experiencing a drug overdose;  
14 and

15 (2) He or she acts with reasonable care in administering the drug to the other person.

16 (b) A person who administers an opioid antagonist to another person pursuant to this  
17 section shall not be subject to civil liability or criminal prosecution as a result of the  
18 administration of the drug.

Page 2

1 21-28.8-4. Emergency overdose care – Immunity from legal repercussions. – (a) Any  
2 person who, in good faith, without malice and in the absence of evidence of an intent to defraud,  
3 seeks medical assistance for someone experiencing a drug overdose or other drug-related medical  
4 emergency shall not be charged or prosecuted for any crime under chapters 28 or 28.5 of title 21,  
5 except for a crime involving the manufacture or possession with the intent to manufacture a  
6 controlled substance or possession with intent to deliver a controlled substance, if the evidence  
7 for the charge was gained as a result of the seeking of medical assistance.

8 (b) A person who experiences a drug overdose or other drug-related medical emergency  
9 and is in need of medical assistance shall not be charged or prosecuted for any crime under  
10 chapters 28 or 28.5 of title 21, except for a crime involving the manufacture or possession with  
11 the intent to manufacture a controlled substance or possession with intent to deliver a controlled  
12 substance, if the evidence for the charge was gained as a result of the overdose and the need for  
13 medical assistance.

14 (c) The act of providing first aid or other medical assistance to someone who is  
15 experiencing a drug overdose or other drug-related medical emergency may be used as a  
16 mitigating factor in a criminal prosecution pursuant to the controlled substances act.

17 21-28.8-5. Law enforcement reports. – In the first week of January, 2015 and each year

18 thereafter, the attorney general shall, in cooperation with local law enforcement agencies and the  
 19 state police, submit to the general assembly a report summarizing the impact of this chapter on  
 20 law enforcement. The report shall include any incidents in which a law enforcement agency was  
 21 barred, due to the immunity provisions of § 21-28.8-4(a), from charging or prosecuting a person  
 22 under chapters 28 or 28.5 of title 21 who would have otherwise been so charged or prosecuted,  
 23 and indicating whether the person was charged with, or prosecuted for, any other criminal offense  
 24 resulting from the agency's response to the request for medical assistance. <sup>{add}</sup>  
 25 SECTION 2. This act shall take effect upon passage.

	<p><b>MOTION: To find beneficial 2014 H 7869 An Act Relating to Food and Drugs - Good Samaritan Overdose Prevention Act</b>          Motion moved by RC, seconded by AP, passed unanimously</p>
	<p><b>2014 H 7833 House Resolution Creating a Special House Commission to Study and Make Recommendations on the Development of a Universal Online Application for Multiple Assistance Programs In the State of Rhode Island</b></p>
	<p>Rep. Finn in House Health, Education, &amp; Welfare Committee          This resolution would create a seven (7) member special legislative study commission whose purpose it would be to study and make recommendations for an online universal application for assistance programs, and who would report back to the House of Representatives no later than January 6, 2015, and whose life would expire on March 6, 2015</p>

1 RESOLVED, That a special legislative commission be and the same is hereby created  
 2 consisting of seven (7) members: three (3) of whom shall be members of the House of  
 3 Representatives, not more than two (2) from the same political party, to be appointed by the  
 4 Speaker of the House; one of whom shall be the Director of the Rhode Island Department of  
 5 Administration, or designee; one of whom shall be the Director of the Rhode Island Department  
 6 of Human Services or designee; and two (2) of whom shall be members of the general public who  
 7 have utilized one or more of the assistance applications, to be appointed by the Speaker of the  
 8 House.

9 In lieu of any appointment of a member of the legislature to a permanent advisory  
 10 commission, a legislative study commission, or any commission created by a General Assembly  
 11 resolution, the appointing authority may appoint a member of the general public to serve in lieu  
 12 of a legislator, provided that the majority leader or the minority leader of the political party which  
 13 is entitled to the appointment consents to the member of the general public.

14 The purpose of said commission shall be to make a comprehensive study of the feasibility  
 15 and recommendations for developing a universal, online application process for families with  
 16 children to utilize when applying for multiple public assistance programs, including, but not  
 17 limited to: health and medical services, food assistance/WIC, RI Works, dental care, and child  
 18 care assistance.

Page 2

1 Forthwith upon passage of this resolution, the members of the commission shall meet at  
 2 the call of the Speaker of the House and organize and shall select a chairperson from among the  
 3 legislators.

4 Vacancies in said commission shall be filled in like manner as the original appointment.

5 The membership of said commission shall receive no compensation for their services.

6 All departments and agencies of the state, shall furnish such advice and information,  
 7 documentary and otherwise, to said commission and its agents as is deemed necessary or  
 8 desirable by the commission to facilitate the purposes of this resolution.

9 The Speaker of the House is hereby authorized and directed to provide suitable quarters

10 for said commission; and be it further

11 RESOLVED, That the commission shall report its findings and recommendations to the  
12 House of Representatives no later than January 6, 2015, and said commission shall expire on  
13 March 6, 2015.

	<p><b>MOTION: To find harmful H 7833 House Resolution Creating a Special House Commission to Study and Make Recommendations on the Development of a Universal Online Application for Multiple Assistance Programs In the State of Rhode Island (no more studying - need action)</b> Motion moved by EG, seconded by CG, passed unanimously</p>
	<p>Review requested by Bob Cooper</p>
	<p><b>2014 H 7981 An Act Relating to Food and Drugs - The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act</b></p>
	<p>Rep. Slater in House Judiciary Committee This act would add post-traumatic stress disorder to the definition of "debilitating medical condition" for purposes of qualifying for medical marijuana. It would also accelerate the issuance of an approved medical marijuana use application if the patient is eligible for hospice care. This act would take effect upon passage.</p>

1 SECTION 1. Section 21-28.6-3 of the General Laws in Chapter 21-28.6 entitled "The  
2 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended to read as  
3 follows:

4 **21-28.6-3. Definitions.** -- For the purposes of this chapter:

5 (1) "Cardholder" means a qualifying patient, a primary caregiver, or a principal officer,  
6 board member, employee, volunteer, or agent of a compassion center who has been issued and  
7 possesses a valid registry identification card.

8 (2) "Compassion center" means a not-for-profit corporation subject to the provisions of  
9 chapter 7-6, and registered under section 21-28.6-12 that acquires, possesses, cultivates,  
10 manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related  
11 supplies and educational materials, to registered qualifying patients and/or their registered  
12 primary caregivers who have designated it as one of their primary caregivers.

13 (3) "Debilitating medical condition" means:

14 (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired  
15 immune deficiency syndrome, Hepatitis C, <sup>{add}</sup> [post-traumatic stress disorder](#), <sup>{add}</sup> or the treatment  
16 of  
16 these conditions;

17 (ii) A chronic or debilitating disease or medical condition or its treatment that produces  
18 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;  
Page 2

1 severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe  
2 and persistent muscle spasms, including but not limited to, those characteristic of multiple  
3 sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

4 (iii) Any other medical condition or its treatment approved by the department, as  
5 provided for in section 21-28.6-5.

6 (4) "Department" means the Rhode Island department of health or its successor agency.

7 (5) "Marijuana" has the meaning given that term in section 21-28-1.02(26).

8 (6) "Mature marijuana plant" means a marijuana plant which has flowers or buds that are  
9 readily observable by an unaided visual examination.

10 (7) "Medical use" means the acquisition, possession, cultivation, manufacture, use,  
11 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of  
12 marijuana to alleviate a registered qualifying patient's debilitating medical condition or symptoms  
13 associated with the medical condition.

14 (8) "Practitioner" means a person who is licensed with authority to prescribe drugs  
15 pursuant to chapter 37 of title 5 or a physician licensed with authority to prescribe drugs in  
16 Massachusetts or Connecticut.

17 (9) "Primary caregiver" means either a natural person who is at least twenty-one (21)  
18 years old or a compassion center. A natural person primary caregiver may assist no more than  
19 five (5) qualifying patients with their medical use of marijuana.

20 (10) "Qualifying patient" means a person who has been diagnosed by a practitioner as  
21 having a debilitating medical condition and is a resident of Rhode Island.

22 (11) "Registry identification card" means a document issued by the department that  
23 identifies a person as a registered qualifying patient, a registered primary caregiver, or a  
24 registered principal officer, board member, employee, volunteer, or agent of a compassion center.

25 (12) "Seedling" means a marijuana plant with no observable flowers or buds.

26 (13) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable roots.

27 (14) "Usable marijuana" means the dried leaves and flowers of the marijuana plant, and  
28 any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

29 (15) "Written certification" means the qualifying patient's medical records, and a  
30 statement signed by a practitioner, stating that in the practitioner's professional opinion the  
31 potential benefits of the medical use of marijuana would likely outweigh the health risks for the  
32 qualifying patient. A written certification shall be made only in the course of a bona fide  
33 practitioner-patient relationship after the practitioner has completed a full assessment of the  
34 qualifying patient's medical history. The written certification shall specify the qualifying patient's  
Page 3

1 debilitating medical condition or conditions.

2 **21-28.6-6. Administration of regulations.** -- (a) The department shall issue registry  
3 identification cards to qualifying patients who submit the following, in accordance with the  
4 department's regulations:

5 (1) Written certification as defined in section 21-28.6-3(14) of this chapter;

6 (2) Application or renewal fee;

7 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if  
8 the patient is homeless, no address is required;

9 (4) Name, address, and telephone number of the qualifying patient's practitioner; and

10 (5) Name, address, and date of birth of each primary caregiver of the qualifying patient,  
11 if any.

12 (b) The department shall not issue a registry identification card to a qualifying patient  
13 under the age of eighteen (18) unless:

14 (1) The qualifying patient's practitioner has explained the potential risks and benefits of  
15 the medical use of marijuana to the qualifying patient and to a parent, guardian or person having  
16 legal custody of the qualifying patient; and

17 (2) A parent, guardian or person having legal custody consents in writing to:

18 (i) Allow the qualifying patient's medical use of marijuana;

19 (ii) Serve as one of the qualifying patient's primary caregivers; and

20 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the  
21 medical use of marijuana by the qualifying patient.

22 (c) The department shall verify the information contained in an application or renewal  
23 submitted pursuant to this section, and shall approve or deny an application or renewal within  
24 fifteen (15) days of receiving it. The department may deny an application or renewal only if the

25 applicant did not provide the information required pursuant to this section, or if the department  
 26 determines that the information provided was falsified. Rejection of an application or renewal is  
 27 considered a final department action, subject to judicial review. Jurisdiction and venue for  
 28 judicial review are vested in the superior court.

29 <sup>{add}</sup> (d) If the qualifying patient’s practitioner notifies the department in a written statement  
 30 that the qualifying patient is eligible for hospice care, the department shall verify the application  
 31 information in accordance with subsection (c) and issue a registry identification card to the  
 32 qualifying patient and primary caregivers named in the patient’s application within seventy-two  
 33 (72) hours of receipt of the completed application. The department shall not charge a registration  
 34 fee to the patient or caregivers named in the application.<sup>{add}</sup>

[Only changes on Pages 4 – 5 are renumbering paragraphs]

Page 6

27 SECTION 2. This act shall take effect upon passage.

	Tabled for information, bill should be split - hospice separate from PTSD.
	Transportation
	Review request by: Casey Gartland
	<b>2014 S 2616 An Act Relating to Motor and Other Vehicles - Operators' and Chauffeurs' Licenses</b>
	Sen, McCaffrey in Senate Judiciary Committee This act would provide for a civil cause of action against physicians or optometrists for failing to report a patient's condition, which would significantly impair the patient's ability to operate a motor vehicle. This act would take effect upon passage.

1 SECTION 1. Section 31-10-44 of the General Laws in Chapter 31-10 entitled "Operators'  
 2 and Chauffeurs' Licenses" is hereby amended to read as follows:

3 **31-10-44. Medical advisory board. --** (a) There shall be established within the division  
 4 of motor vehicles a medical advisory board to function solely as an advisory panel to the  
 5 administrator of the division of motor vehicles on the subjects of physical and mental fitness  
 6 standards for licensure to operate a motor vehicle and eligibility standards for disability parking  
 7 privileges. When any person's eligibility or continuing eligibility for a license is questioned on the  
 8 grounds of physical or mental fitness, the administrator of the division of motor vehicles may  
 9 consult with relevant specialist members of the medical advisory board in determining that  
 10 person's qualifications to operate a motor vehicle. The administrator of the division of motor  
 11 vehicles may also consult with relevant specialist members of the medical advisory board in  
 12 making determinations of eligibility for disability parking privileges.

13 (b) In accordance with chapter 35 of title 42, the administrator of the division of motor  
 14 vehicles shall establish by regulations functional standards for determining physical and mental  
 15 fitness for motor vehicle licensure. The promulgated standards will be based on current medical  
 16 knowledge and objective data regarding fitness to safely operate motor vehicles, and will conform  
 17 to the requirements of the Americans With Disabilities Acts and chapter 87 of title 42. In  
 18 developing those functional standards the administrator of the division of motor vehicles shall  
 Page 2

1 consult with knowledgeable health and rehabilitation professionals including the Medical Society  
 2 of Rhode Island and the medical advisory board.

3 (c) The medical board shall consist of a physician in general practice, a neurologist, a  
 4 psychiatrist, an optometrist, and an orthopedic physician who shall be appointed by the governor;  
 5 a physician from the Rhode Island department of health designated by the director of health who

6 shall serve ex officio; and two (2) members of the general public approved by the governor, one  
 7 of whom shall be representative of the elderly, and one of whom shall be representative of the  
 8 people who are disabled. These members shall be appointed for a period of three (3) years.

9 (d) Any physician or optometrist who diagnoses a physical or mental condition which in  
 10 the physician's or optometrist's judgment will significantly impair the person's ability to operate  
 11 safely a motor vehicle may voluntarily report the person's name and other information relevant to  
 12 the condition to the medical advisory board within the division of motor vehicles.

13 (e) Any physician or optometrist reporting in good faith and exercising due care shall  
 14 have immunity from any liability, civil or criminal, that otherwise might result by reason of his or  
 15 her actions pursuant to this section. ~~(delete) No cause of action may be brought against any physician~~  
 or

16 ~~optometrist for not making a report pursuant to this section.~~ ~~(delete)~~

17 (f) For the purposes of this section, a "physician" is any person practicing medicine  
 18 requiring a license pursuant to chapter 37 of title 5, and an "optometrist" is any person as defined  
 19 in section 5-35-1.

20 (g) Members of the medical board shall not be compensated for their services on the  
 21 board. They shall meet at the request of the administrator of the division of motor vehicles at a  
 22 time convenient to them.

23 SECTION 2. This act shall take effect upon passage.

	<p><b>MOTION: To find harmful 2014 S 2616 An Act Relating to Motor and Other Vehicles - Operators' and Chauffeurs' Licenses</b>          Motion moved by EG, seconded by AP, passed/unanimously</p>
	<p>Review request by: Linda Ward</p>
	<p><b>2014 S 2741 An Act Relating to Public Utilities and Carriers - Taxicabs and Limited Public Motor Vehicles</b></p>
	<p>Sen. DaPonte Requested by the RI Public Transit Authority in Senate Finance Committee          This act would permit certified taxicab drivers to register charges for transportation services provided to state departments without the use of a taximeter provided the alternate method is approved by the division.          This act would take effect upon passage.</p>

1 SECTION 1. Section 39-14-14.1 of the General Laws in Chapter 39-14 entitled  
 2 "Taxicabs and Limited Public Motor Vehicles" is hereby amended to read as follows:  
 3 **39-14-14.1. Taximeter requirement.** <sup>{add}</sup> (a) <sup>{add}</sup> Every motor vehicle used in the  
 4 transportation of passengers for compensation in a taxicab service over the publicly used  
 5 highways of this state shall be equipped with a taximeter. Any motor carrier or operator who shall  
 6 knowingly and willfully cause a motor vehicle to be operated as a taxicab which is not equipped  
 7 with a taximeter, or when so equipped the taximeter is not in a recording position for the purpose  
 8 of registering charges at the time the service is rendered, shall be guilty of a misdemeanor and  
 9 shall, upon conviction thereof, be fined not to exceed twenty-five dollars (\$25.00) for the first  
 10 offense; and, upon conviction for a second offense, shall be fined not to exceed fifty dollars  
 11 (\$50.00) and shall have his or her certificate suspended for a period not to exceed thirty (30) days;  
 12 and upon conviction for a third offense shall be fined not to exceed one hundred dollars (\$100)  
 13 and shall have his or her certificate suspended for a period not to exceed one hundred eighty  
 14 (180) days.

15 <sup>{add}</sup> (b) A certificate holder authorized to provide taxicab services is not required to utilize the  
 16 vehicle's taximeter for registering charges when the transportation services are being coordinated  
 17 by and paid for by a state department, authority or agency on behalf of clients of said state

1 [charges is approved by the division.](#)<sup>{add}</sup>

2 SECTION 2. This act shall take effect upon passage.

	<p><b>MOTION: To find beneficial 2014 S 2741 An Act Relating to Public Utilities and Carriers - Taxicabs and Limited Public Motor Vehicles Motion moved by EG, seconded by AP, passed unanimously</b></p>
	<p style="text-align: center;"><b>General Assembly Deadlines</b></p> <ul style="list-style-type: none"> <li>No public bill which originated in the House/Senate shall be considered by a House/Senate committee unless the committee has held a hearing on that bill by April 10, 2014.</li> </ul>
	<p style="text-align: center;"><b>4:15 2014 Legislative Package, Bob Cooper, Executive Secretary</b></p>
	<p><b>Purpose/Goal: To review the status of the Commission's legislative package</b></p>
<p style="text-align: center;">The Commission/Legislation Committee has a position on 77 bills and budget articles</p>	
<p style="text-align: center;"><b>Commission Supports these 5 bills</b></p>	
<p><b>Referred to Committee</b> <u>Senate Finance Committee</u></p>	
<p>14 S 2696 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998</p>	
<p>Sen. Goodwin Requested by the Governor's Commission on Disabilities Identical to H 7818</p>	
<p>House letter</p>	<p>Testified: Senate letter 3/12/2014 Testified: Gov.</p>
<p><b>Held for Further Study, Continued, or Heard</b> <u>House Corporations Committee</u></p>	
<p>14 H 7534 AN ACT RELATING TO INSURANCE - COVERAGE FOR PRESCRIPTION DRUGS</p>	
<p>Rep. Cimini Requested by the Governor's Commission on Disabilities Identical to S 2358</p>	
<p>House letter</p>	<p>3/12/2014 Testified: 3/25/2014 Senate letter Testified: Gov.</p>
<p><u>House Finance Committee</u></p>	
<p>14 H 7818 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND HOUSING RESOURCES ACT OF 1998</p>	
<p>Rep. Ferri Requested by the Governor's Commission on Disabilities Identical to S 2696</p>	
<p>House letter</p>	<p>3/12/2014 Testified: 4/1/2014 Senate letter Testified: Gov.</p>
<p><u>Senate Health and Human Services Committee</u></p>	
<p>14 S 2358 AN ACT RELATING TO INSURANCE - COVERAGE FOR PRESCRIPTION DRUGS</p>	
<p>Sen. Crowley Requested by the Governor's Commission on Disabilities Identical to H 7534</p>	
<p>House letter</p>	<p>Testified: Senate letter 3/12/2014 Testified: 4/1/2014 Gov.</p>
<p>14 S 2525 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - GOVERNOR'S COMMISSION ON DISABILITIES</p>	
<p>Sen. Jabour Requested by the Governor's Commission on Disabilities</p>	
<p>House letter</p>	<p>Testified: Senate letter Testified: 3/4/2014 Gov.</p>
<p style="text-align: center;"><b>Commission Supports this 1 budget article if amended</b></p>	
<p><b>Held for Further Study, Continued, or Heard</b> <u>House Finance Committee</u></p>	
<p>14 H 7133 Art. 26 AN ARTICLE RELATING TO CHILDREN, YOUTH, AND FAMILIES</p>	
<p>Rep. Melo Requested by the Governor</p>	
<p>House letter</p>	<p>Testified: 2/12/2014 Senate letter Testified: 3/6/2014 Gov.</p>
<p style="text-align: center;"><b>Commission Opposes this 1 budget article unless amended</b></p>	
<p><b>Held for Further Study, Continued, or Heard</b></p>	

House Finance Committee

14 H 7133 Art. 25 AN ARTICLE RELATING TO MEDICAL ASSISTANCE

Rep. Melo Requested by the Governor

House letter

Testified: 2/12/2014  
2/25/2014 Gov.

Senate letter

Testified:

**Legislation Committee finds these 35 bills Beneficial**

**Referred to Committee**

House Finance Committee

14 H 7413 AN ACT RELATING TO CRIMINAL PROCEDURE

Rep. Naughton Requested by the Attorney General Identical to S 2652

House letter

3/12/2014 Testified:

Senate letter

Testified:

Gov.

14 H 7735 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998

Rep. Slater Identical to S 2497

House letter

3/12/2014 Testified:

Senate letter

Testified:

Gov.

14 H 7803 AN ACT RELATING TO HEALTH AND SAFETY - LEAD POISONING PREVENTION ACT

Rep. Handy Identical to S 2200 & Similar

House letter

3/12/2014 Testified:

Senate letter

Testified:

Gov.

House Health, Education, & Welfare Committee

14 H 7679 AN ACT RELATING TO HUMAN SERVICES - HOMELESS BILL OF RIGHTS

Rep. Tomasso Identical to S 2552

House letter

3/12/2014 Testified:

Senate letter

Testified:

Gov.

14 H 7936 AN ACT RELATING TO HEALTH AND SAFETY - HEALTH CARE SERVICES - UTILIZATION REVIEW ACT

Rep. Bennett Identical to S 2359

House letter

3/20/2014 Testified:

Senate letter

Testified:

Gov.

House Judiciary Committee

14 H 7297 AN ACT RELATING TO PROPERTY - RHODE ISLAND FAIR HOUSING PRACTICES

Rep. Ajello

House letter

3/12/2014 Testified:

Senate letter

Testified:

Gov.

14 H 7450 AN ACT RELATING TO LABOR - LABOR RELATIONS AND HOUSING DISCRIMINATION

Rep. Shekarchi Requested by the Commission for Human Rights

House letter

3/12/2014 Testified:

Senate letter

Testified:

Gov.

14 H 7767 AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION AND VOTING EQUIPMENT, AND SUPPLIES

Rep. Valencia Identical to S 2641

House letter

3/12/2014 Testified:

Senate letter

Testified:

Gov.

Senate Finance Committee

14 S 2200 AN ACT RELATING TO HEALTH AND SAFETY - LEAD POISONING PREVENTION ACT

Sen. Goodwin Identical to H 7803 & Similar

House letter

Testified:

Senate letter

3/12/2014 Testified:

Gov.

14 S 2461 AN ACT RELATING TO TAXATION -- REAL ESTATE CONVEYANCE TAX

Sen. Crowley

House letter

Testified:

Senate letter

3/12/2014 Testified:

Gov.

14 S 2497 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998

Sen. Crowley Identical to H 7735

House letter

Testified:

Senate letter

3/12/2014 Testified:

Gov.

14 S 2674 AN ACT RELATING TO HEALTH AND SAFETY - LEAD POISONING PREVENTION ACT

Sen. Goodwin Similar to S 2200 & H 7803

House letter

Testified:

Senate letter

3/12/2014 Testified:

Gov.

Senate Health and Human Services Committee

14 S 2429 AN ACT RELATING TO EDUCATION - CAPTIONING OF ELECTRONIC VIDEO MATERIALS

Sen. Walaska

House letter

Testified:

Senate letter

3/12/2014 Testified:

Gov.

14 S 2505 AN ACT RELATING TO INSURANCE

Sen. Pearson

House letter

Testified:

Senate letter

3/24/2014 Testified:

Gov.

Senate Judiciary Committee

14 S 2233 AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--COURTS

Sen. Miller

House letter 3/12/2014 Testified: Senate letter 3/12/2014 Testified: Gov.

14 S 2385 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Sen. Goldin

House letter 3/12/2014 Testified: Senate letter 3/12/2014 Testified: Gov.

14 S 2641 AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION AND VOTING EQUIPMENT, AND SUPPLIES

Sen. Goldin

Identical to H

House letter 3/12/2014 Testified: Senate letter 3/12/2014 Testified: Gov.

14 S 2750 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES, AND HOSPITALS - MENTAL HEALTH LAW

Sen. Goodwin Identical to H 7675

House letter 3/24/2014 Testified: Senate letter 3/24/2014 Testified: Gov.

14 S 2774 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS

Sen. Cool Rumsey Identical to H 7939

House letter 3/24/2014 Testified: Senate letter 3/24/2014 Testified: Gov.

**Scheduled for hearing and/or consideration**

House Corporations Committee Next Action on: 4/8/2014 @ Rise in rm 203

14 H 7970 AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND BEHAVIORAL HEALTH CARE REFORM ACT OF 2014

Rep. Ferri Identical to S 2769

House letter 3/24/2014 Testified: Senate letter 3/24/2014 Testified: Gov.

House Judiciary Committee Next Action on: 4/8/2014 @ Rise in rm 101

14 H 7939 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS

Rep. Ruggiero Identical to S 2774

House letter 3/24/2014 Testified: Senate letter 3/24/2014 Testified: Gov.

**Held for Further Study, Continued, or Heard**

House Corporations Committee

14 H 7318 AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Rep. Casey By request

House letter 3/12/2014 Testified: Senate letter 3/12/2014 Testified: Gov.

14 H 7477 AN ACT RELATING TO INSURANCE - ACCESS TO ABUSE-DETERRENT PAIN MEDICATIONS

Rep. Ferri Requested by the RI Medical Society Identical to S 2534 & H 7649

House letter 3/12/2014 Testified: Senate letter 3/12/2014 Testified: Gov.

14 H 7649 AN ACT RELATING TO INSURANCE - ACCESS TO ABUSE-DETERRENT PAIN MEDICATIONS

Rep. Ferri Requested by the RI Medical Society Identical to S 2534 & 7477

House letter 3/12/2014 Testified: Senate letter 3/12/2014 Testified: Gov.

14 H 7790 AN ACT RELATING TO INSURANCE - ACCIDENT AND SICKNESS INSURANCE POLICIES

Rep. Jacquard Identical to S 2536

House letter 3/24/2014 Testified: Senate letter 3/24/2014 Testified: Gov.

14 H 7933 AN ACT RELATING TO INSURANCE - INSURANCE COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE

Rep. Bennett Identical to S 2801

House letter 3/24/2014 Testified: Senate letter 3/24/2014 Testified: Gov.

House Health, Education, & Welfare Committee

14 H 7068 AN ACT RELATING TO PUBLIC UTILITIES COMMISSION - INFORMATION ACCESSIBILITY SERVICE FOR PERSONS WITH DISABILITIES

Rep. Naughton

House letter 2/6/2014 Testified: 2/26/2014 Senate letter 2/26/2014 Testified: Gov.

14 H 7675

AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES, AND HOSPITALS - MENTAL HEALTH LAW

Rep. Naughton Requested by the Governor Identical to S 2750

House letter	3/24/2014	Testified:	Senate letter	Testified:	Gov.
<u>Senate Health and Human Services Committee</u>					
Next Action on:					
14 S 2359 AN ACT RELATING TO HEALTH AND SAFETY - HEALTH CARE SERVICES - UTILIZATION REVIEW ACT					
Sen. Miller Identical to H 7936					
House letter		Testified:	Senate letter	3/12/2014	Testified: Gov.
14 S 2534 AN ACT RELATING TO INSURANCE - ACCESS TO ABUSE-DETERRENT PAIN MEDICATIONS					
Sen. Miller Requested by the RI Medical Society Identical to H 7649 & H 7477					
House letter		Testified:	Senate letter	3/12/2014	Testified: Gov.
14 S 2536 AN ACT RELATING TO INSURANCE - HEALTH INSURANCE					
Sen. Goldin Identical to H 7790					
House letter		Testified:	Senate letter	3/24/2014	Testified: Gov.
14 S 2769 AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND BEHAVIORAL HEALTH CARE REFORM ACT OF 2014					
Sen. Nesselbush Identical to H 7970					
House letter		Testified:	Senate letter	3/24/2014	Testified: Gov.
14 S 2801 AN ACT RELATING TO INSURANCE - INSURANCE COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE USE DISORDERS					
Sen. Jabour					
House letter		Testified:	Senate letter	3/27/2014	Testified: Gov.
<u>Senate Housing and Municipal Government Committee</u>					
14 S 2552 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - HOMELESS SHELTERS					
Sen. Crowley Identical to H 7679					
House letter		Testified:	Senate letter	3/12/2014	Testified: Gov.
<u>Senate Judiciary Committee</u>					
14 S 2652 AN ACT RELATING TO CRIMINAL PROCEDURE					
Sen. Lombardi Requested by the Attorney General Identical to H 7413					
House letter		Testified:	Senate letter	3/12/2014	Testified: 3/25/2014 Gov.

**Legislation Committee finds these 16 bills Beneficial if amended**

**Referred to Committee**

House Finance Committee

14 H 7242 AN ACT RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Rep. Cimini Identical to S 2476

House letter 3/12/2014 Testified: Senate letter Testified: Gov.

14 H 7557 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ESTABLISHING A PROGRAM WITHIN THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE FOR EMERGENCY HOUSING ASSISTANCE

Rep. Slater

House letter 3/24/2014 Testified: Senate letter Testified: Gov.

14 H 7886 AN ACT RELATING TO HEALTH AND SAFETY -- EQUITABLE FUNDING FOR ESSENTIAL HEALTH SERVICES

Rep. Silva Identical to S 2484

House letter 3/24/2014 Testified: Senate letter Testified: Gov.

House Health, Education, & Welfare Committee

14 H 7577 AN ACT RELATING TO INSURANCE - HEARING AIDS

Rep. Jacquard

House letter 3/24/2014 Testified: Senate letter Testified: Gov.

Senate Finance Committee

14 S 2476 AN ACT RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Sen. Pichardo Identical to H 7242

House letter Testified: Senate letter 3/12/2014 Testified: Gov.

14 S 2484 AN ACT AN ACT RELATING TO HEALTH AND SAFETY -- EQUITABLE FUNDING FOR ESSENTIAL HEALTH SERVICES

Sen. Felag Identical to H 7886

House letter Testified: Senate letter 3/24/2014 Testified: Gov.

Senate Judiciary Committee

14 S 2094 AN ACT RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF

HEALTHCARE COMMUNICATIONS AND INFORMATION ACT

Sen. Cool Rumsey Requested by the Attorney General Identical to H 7091

House letter                      Testified:                      Senate letter                      Testified:                      Gov.

14 S 2665 AN ACT RELATING TO HUMAN SERVICES -- PERSONAL CARE ATTENDANT PROGRAM

Sen. Lombardi Requested by the Attorney General Identical to H 7442

House letter                      Testified:                      Senate letter                      3/12/2014 Testified:                      Gov.

14 S 2815 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON STANDARDS AND TRAINING

Sen. Jabour Identical to H 7575

House letter                      Testified:                      Senate letter                      Testified:                      Gov.

**Held for Further Study, Continued, or Heard**

House Health, Education, & Welfare Committee

14 H 7168 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ELDERLY AFFAIRS DEPARTMENT

Rep. Ucci

House letter                      2/6/2014 Testified:                      Senate letter                      Testified:                      Gov.

14 H 7367 AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT

Rep. Gallison Identical to S 2181

House letter                      3/12/2014 Testified:                      Senate letter                      Testified:                      Gov.

14 H 7442 AN ACT RELATING TO HUMAN SERVICES -- PERSONAL CARE ATTENDANT PROGRAM

Rep. Naughton Requested by the Attorney General Identical to S 2665

House letter                      3/12/2014 Testified:                      Senate letter                      Testified:                      Gov.

14 H 7575 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON STANDARDS AND TRAINING

Rep. Lombardi Identical to S 2815

House letter                      Testified: 3/12/2014 Senate letter                      Testified:                      Gov.

House Veterans Affairs Committee

14 H 7155 AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - BURIAL OF VETERANS

Rep. Gallison

House letter                      2/6/2014 Testified:                      Senate letter                      Testified:                      Gov.

Senate Education Committee

14 S 2181 AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT

Sen. Felag Identical to H 7367

House letter                      Testified:                      Senate letter                      3/12/2014 Testified:                      Gov.

**Postponed by sponsor**

House Health, Education, & Welfare Committee

14 H 7091 AN ACT RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTHCARE COMMUNICATIONS AND INFORMATION ACT

Rep. Coderre                      Requested by the Attorney General                      Identical to S 2094

House letter                      Testified:                      Senate letter                      Testified:                      Gov.

**Legislation Committee finds these 18 bills Harmful**

**Referred to Committee**

House Finance Committee

14 H 7040 AN ACT RELATING TO TOWNS AND CITIES -- STATE AID

Rep. Edwards

House letter                      2/6/2014 Testified:                      Senate letter                      Testified:                      Gov.

14 H 7324 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS - DEVELOPMENTAL DISABILITIES OMBUDSPERSON ACT OF 2014

Rep. Blazejewski Similar to H 7346 & S 2355

House letter                      3/12/2014 Testified:                      Senate letter                      Testified:                      Gov.

14 H 7346 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS - DEVELOPMENTAL DISABILITIES OMBUDSPERSON ACT OF 2014

Rep. Naughton Requested by the Developmental Disabilities Council Identical to S 2355, Similar to H 7324

House letter                      3 /12/2014 Testified:                      Senate letter                      Testified:                      Gov.

14 H 7355 AN ACT RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM-- COMPULSORY

Rep. Casey By request Identical to S 2057

House letter                      3 /12/2014 Testified:                      Senate letter                      Testified:                      Gov.

14 H 7558 AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE

Rep. Serpa Identical to S 2745

House letter 3 /24/2014 Testified: Senate letter Testified: Gov.

14 H 7661 AN ACT RELATING TO HUMAN SERVICES - PUBLIC ASSISTANCE-FRAUD PREVENTION

Rep. Messier Similar to S 2382 & H 7314

House letter 3 /12/2014 Testified: Senate letter Testified: Gov.

14 H 7664 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX

Rep. Naughton Requested by RIPTA Identical to S 2489

House letter 3 /12/2014 Testified: Senate letter Testified: Gov.

Senate Special Legislation and Veterans' Affairs Committee

14 S 2109 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND PRIVILEGES

Sen. Fogarty

House letter Testified: Senate letter 2/6/2014 Testified: Gov.

14 S 2117 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND PRIVILEGES

Sen. Doyle

House letter Testified: Senate letter 2/6/2014 Testified: Gov.

Senate Finance Committee

14 S 2027 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX

Sen. Felag

House letter Testified: Senate letter 2/6/2014 Testified: Gov.

14 S 2489 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX

Sen. Goldin Requested by RIPTA Identical to H 7664

House letter Testified: Senate letter 3/12/2014 Testified: Gov.

14 S 2745

AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE

Sen. Goodwin Identical to H 7558

House letter Testified: Senate letter 3/24/2014 Testified: Gov.

**Scheduled for hearing and/or consideration**

Senate Education Committee

Next Action on: 4/9/2014@ Rise in Senate Lounge

14 S 2057 AN ACT RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM-- COMPULSORY

Sen. Picard By Request Identical to H 7355

House letter Testified: Senate letter 3/12/2014 Testified: Gov.

**Held for Further Study, Continued, or Heard**

House Health, Education, & Welfare Committee

14 H 7144 AN ACT RELATING TO EDUCATION - CHILDREN WITH DISABILITIES

Rep. Craven

House letter Testified: 2/26/2014 Senate letter Testified: Gov.

14 H 7314 AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT

Rep. Morgan Identical to S 2382 & Similar to H 7661

House letter 3/12/2014 Testified: Senate letter Testified: Gov.

14 H 7365 AN ACT RELATING TO HEALTH AND SAFETY -- SAFE PATIENT HANDLING

Rep. Phillips

House letter Testified: 3/12/2014 Senate letter Testified: Gov.

Senate Health and Human Services Committee

14 S 2355 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS - DEVELOPMENTAL DISABILITIES OMBUDSPERSON ACT OF 2014

Sen. Ottiano Requested by the Developmental Disabilities Council Identical to H 7346 Similar to H 7324

House letter Testified: Senate letter Testified: 3/4/2014 Gov.

Senate Judiciary Committee

14 S 2382 AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT

Sen. Kettle Identical to H 7314 & Similar to H 7661

House letter Testified: Senate letter 3/12/2014 Testified: Gov.

**Legislation Committee finds this 1 bill Harmful unless amended**

**Held for Further Study, Continued, or Heard**

House Judiciary Committee

<p>14 H 7505 AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CRIMINAL RECORD BACKGROUND CHECKS Rep. Ajello House letter      3/12/2014 Testified:      Senate letter      Testified:      Gov.</p>	
<p><b>Monitor these 4 bills</b></p>	
<p><b>Referred to Committee</b> <u>House Finance Committee</u> 14 H 7251 AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE Rep. Gallison Identical to S 2471 14 H 7361 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE AGING IN COMMUNITY OF 2014 Rep. Blazejewski Identical to S 2215 <u>Senate Finance Committee</u> 14 S 2215 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE AGING IN COMMUNITY OF 2014 Sen. Goodwin Identical to H 7361 14 S 2471 AN ACT RELATING TO HUMAN SERVICES - PUBLIC ASSISTANCE ACT Sen. DiPalma Identical to H 7251</p>	
	<p>Potential MOTION: To find 2014- _ ____ An Act Related to ___, <i>beneficial/if amended/harmful/unless amended/no position</i>. Motion moved by __, seconded by __, <i>passed/unanimous/ opposed by_ / abstained_ / defeated/ supported by__</i></p>
	<p><b><i>4:25 Agenda for the Next Meeting, Linda Ward</i></b></p> <p><b>Purpose/Goal:</b> To set the agenda for the next meeting.</p> <p>Discussion: The Legislation Committee meetings in 2014 will be on the 1<sup>st</sup> Monday 3 - 4:30 PM: 05/5<sup>th</sup>; 06/02<sup>nd</sup>; 07/07<sup>th</sup>; 08/04<sup>th</sup>; 09/08<sup>th</sup>; 10/27<sup>th</sup>; and 12/01<sup>st</sup>.</p>
	<p><b><i>4:30 Adjournment, Linda Ward</i></b></p> <p>MOTION: To adjourn at 4:30 PM Motion moved by AP, seconded by RC, passed unanimously</p>